

the Coast and Geodetic Survey, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MORGAN:

H.R. 9982. A bill to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H.R. 9983. A bill to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor; to the Committee on Foreign Affairs.

By Mr. O'NEILL:

H.R. 9984. A bill to adjust the rates of basic compensation of certain officers and employees of the Federal Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SIBAL:

H.R. 9985. A bill to amend the Internal Revenue Code of 1954 to provide that the tax on table tennis tables, balls, nets, and paddles shall be imposed on sales at retail instead of on sales by the manufacturer, producer, or importer; to the Committee on Ways and Means.

By Mr. ZELENKO:

H.R. 9986. A bill to prohibit the application of unreasonable literacy requirements with respect to the right to vote; to the Committee on the Judiciary.

By Mr. BENNETT of Florida:

H.R. 9987. A bill to amend section 3679(b) of the Revised Statutes to permit the acceptance by the United States of certain services voluntarily performed for the United States without overtime pay therefor by officers and employees thereof, and for other purposes; to the Committee on Government Operations.

By Mr. FINO:

H.J. Res. 610. Joint resolution designating December 1, 1962, as Civil Air Patrol Day; to the Committee on the Judiciary.

By Mr. KEARNS:

H.J. Res. 611. Joint resolution to amend title II of the Career Compensation Act of 1949 to provide special pay for members of the U.S. Army Band, the U.S. Navy Band, the U.S. Air Force Band, and the U.S. Marine Corps Band; to the Committee on Armed Services.

By Mr. MEADER:

H. Res. 530. Resolution disapproving Reorganization Plan No. 1 of 1962; to the Committee on Government Operations.

By Mr. DOMINICK:

H. Res. 531. Resolution disapproving Reorganization Plan No. 1 of 1962; to the Committee on Government Operations.

By Mr. ANDERSON of Illinois:

H. Res. 532. Resolution disapproving Reorganization Plan No. 1 of 1962 transmitted to Congress by the President on January 30, 1962; to the Committee on Government Operations.

By Mrs. GRIFFITHS:

H. Res. 533. Resolution providing for an International Castings Week; to the Committee on the Judiciary.

By Mr. LINDSAY:

H. Res. 534. Resolution to amend the rules of the House of Representatives on the use of the CONGRESSIONAL RECORD; to the Committee on Rules.

#### MEMORIALS

Under clause 4 of rule XXII,

The SPEAKER presented a memorial of the Legislature of the Territory of Guam, memorializing the President and the Congress of the United States relative to extending congratulations from the people of Guam to the Honorable JOHN WILLIAM McCORMACK, Speaker of the U.S. House of Representatives, which was referred to the Committee on House Administration.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BREWSTER:

H.R. 9988. A bill for the relief of Mrs. Mae G. Fromm; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 9989. A bill for the relief of Mr. and Mrs. Juan C. Jacobe, and their four children, Angela Jacobe, Teresita Jacobe, Leo Jacobe, and Ramon Jacobe; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 9990. A bill to amend the act of September 13, 1961, entitled "An act for the relief of Benjamin Schoenfeld"; to the Committee on the Judiciary.

H.R. 9991. A bill for the relief of Benjamin Schoenfeld; to the Committee on the Judiciary.

H.R. 9992. A bill to confer jurisdiction on the U.S. District Court for the Southern District of New York to hear, determine, and render judgment on the claims of Lawrence Nestor against the United States; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H.R. 9993. A bill to authorize the award of the Distinguished Service Cross or other appropriate decoration to Maj. Nick D. DeMaria; to the Committee on Armed Services.

H.R. 9994. A bill for the relief of Miss Marianna Chmara; to the Committee on the Judiciary.

By Mr. KYL:

H.R. 9995. A bill for the relief of Dwight W. Clarahan; to the Committee on the Judiciary.

By Mr. McMILLAN:

H.R. 9996. A bill for the relief of Mrs. Emily Perry King; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 9997. A bill for the relief of Dr. David T. Huang; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 9998. A bill for the relief of Dr. Ernst Badian; to the Committee on the Judiciary.

By Mr. RAY:

H.R. 9999. A bill for the relief of Filippo Raccuglia; to the Committee on the Judiciary.

By Mr. ROGERS of Florida:

H.R. 10000. A bill for the relief of Georgios (George) Theoharis; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 10001. A bill for the relief of Om Chaudhry and his wife, Push Chaudhry; to the Committee on the Judiciary.

#### PETITIONS, ETC.

Under clause 1 of rule XXII,

233. Mrs. ST. GEORGE presented a resolution of the Rockland Business & Professional Women's Club of New York State, Inc., relative to the Federal income tax system as now administered, which was referred to the Committee on Ways and Means.

## SENATE

TUESDAY, JANUARY 30, 1962

The Senate met at 11 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Our Father, walking as Thy children along the path of duty in this new chance for service that dawn has brought us,

we would feel and heed the pressure of Thy life upon ours; we would listen for Thy voice and hearing make Thy will our own with the assurance that in all our choices we do the things that please Thee.

In Thee is food for all our hunger, light for all our darkness, strength for all our tasks, and love which never faileth to purge the selfishness which spoils life's music.

Thou knowest that this is our faith. Make it, we pray, our living experience. Help us to harness our creed to our private and public practice. This day in all our human contacts make us eager to be fair and kind; and when evening comes, may we have the reward of Thy favor and the peace that passeth understanding. Amen.

#### THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, January 29, 1962, was dispensed with.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

#### AUTHORIZATION AND APPROPRIATIONS FOR PURCHASE OF UNITED NATIONS BONDS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 321)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

*To the Congress of the United States:*

I am transmitting herewith for the consideration of the Congress a suggested bill to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor. This bill would authorize the appropriation of up to \$100 million for the purchase of United Nations bonds.

The United Nations is faced with a financial crisis due largely to extraordinary expenditures which it incurred in fulfilling the pledges in its charter to secure peace, progress, and human rights. I regard it as vital to the interests of our country and to the maintenance of peace that the capacity of the United Nations to act for peace not be inhibited by a lack of financial resources.

Some members have failed to pay special assessments levied for peace-keeping operations in the Middle East and in the Congo, claiming that these assessments are not binding upon them. The shortage of operating funds thus created has reduced the working capital fund of the United Nations to zero and compelled it to hold back on the payment of bills and borrow from United Nations agencies.

Prudence and good management require all institutions—public or private, national or international—to keep their

affairs in good financial order. The Secretary General of the United Nations therefore urged the adoption of, and the members approved by a large majority, a three-point plan to relieve the cash deficit and to avoid the need for make-shift financing of emergency operations designed to keep or restore the peace:

Point 1 is to cover anticipated expenses for the United Nations operation in the Congo and for the United Nations emergency force in the Middle East through the end of the present fiscal year. The 16th General Assembly approved a new appropriation for these purposes, assessed against all members.

Point 2 is to resolve all doubt as to whether delinquent members must pay special assessments for the Congo (ONUC) and Middle East (UNEF) operations, or face the loss of their voting rights. To this end, the United Nations General Assembly requested from the International Court of Justice an advisory opinion as to whether these special assessments, like regular assessments, are "expenses of the Organization" legally binding on all members by the terms of the United Nations Charter.

It is the opinion of the United States that special assessments voted by a two-thirds majority of the General Assembly are obligatory. We anticipate a decision by early summer of this year. If our view, which is shared by most of the members of the United Nations, is confirmed by the Court, then all members will have to pay their dues or lose their right to vote in the General Assembly. It is only fair that members that participate in the privileges of membership should participate also in its obligations.

Even if the Court's opinion goes as we believe it should, the United Nations would still be faced with a serious cash problem, aggravated by any further delays in collecting back dues from those who have not been willing to pay the special assessments. Consequently,

Point 3 of the United Nations financial plan is to acquire a special fund to relieve the present cash deficit by paying off current bills and debts, and by setting aside a reasonable reserve to help finance United Nations peace-keeping operations in future emergencies.

For this purpose the General Assembly has authorized the Secretary General to issue \$200 million worth of United Nations bonds repayable at 2 percent interest over a 25-year period with annual repayments charged against the budget of the United Nations. All members are assessed a share of that budget.

If this program is successful, the United Nations will be in a vastly improved financial position. It is my judgment that this plan is sound both for the United Nations and for its members. These bonds will be repaid with interest at the rate of approximately \$10 million a year, as part of the regular assessment. Every nation—including the Soviet Union—will thus be required to pay its fair share or lose its vote. And the United States will be obligated, in the long run, to meet only 32 percent of these special costs instead of the nearly 50 percent we are presently contributing to the special operations of the United Nations.

I ask that the Congress act now to back the United Nations by authorizing the purchase of these bonds. Failure to act would serve the interests of the Soviet Union, which has been particularly opposed to the operation in the Congo and which voted against this plan as part of the consistent Communist effort to undermine the United Nations and undercut its new Secretary-General. For without the bond issue, either the United Nations' executive arm will wither or the United States will be compelled to pay a larger share of the costs of operation than is reasonable for any one member of an international organization.

The central purpose of the United Nations is to keep the peace wherever possible and to restore the peace whenever it is broken.

The United Nations has received the support of both political parties since its inception.

By emergency action the United Nations turned back aggression in Korea.

By emergency action the United Nations brought a halt to war in the Middle East over 5 years ago, and ever since has safeguarded the armistice lines.

By emergency action the United Nations has prevented large-scale civil war and avoided great-power intervention in the Congo.

We shall spend this year nearly one-half of the Federal budget for national defense. This authorization represents an investment of one-tenth of 1 percent of that budget in the peace-keeping capacity of the United Nations.

Whatever its imperfections, the United Nations' effectiveness and existence are an essential part of the machinery to bring peace out of this world of danger and discord.

I earnestly hope that the Congress will give early and favorable consideration to this request.

JOHN F. KENNEDY.

THE WHITE HOUSE, January 30, 1962.

#### COMMITTEE MEETINGS DURING SENATE SESSION

Upon request of Mr. MANSFIELD, and by unanimous consent, the Antitrust Subcommittee of the Judiciary Committee and the Committee on Government Operations were authorized to meet during the session of the Senate today.

#### LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, at the conclusion of the morning hour the Senator from Louisiana [Mr. ELLENDER] is to address the Senate.

#### RIGHT TO VOTE IN FEDERAL ELECTIONS—JURISDICTION OF COMMITTEES

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. RUSSELL. Mr. President—

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. RUSSELL. Reserving the right to object, what would be the order of business which would be before the Senate if the unanimous-consent request were agreed to?

The VICE PRESIDENT. The request is not debatable, the Parliamentarian informs the Chair.

Mr. RUSSELL. What?

The VICE PRESIDENT. The request is not debatable.

Mr. RUSSELL. I made a parliamentary inquiry.

The VICE PRESIDENT. The call for the quorum has not been rescinded.

Mr. RUSSELL. Well, then, I object, Mr. President.

The VICE PRESIDENT. The clerk will continue the call of the roll.

The Chief Clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 5 Leg.]

Alken	Hart	Mundt
Anderson	Hartke	Murphy
Bartlett	Hayden	Muskie
Beall	Hickey	Neuberger
Bennett	Hill	Pastore
Bible	Holland	Pell
Boggs	Hruska	Proxmire
Burdick	Jackson	Randolph
Bush	Javits	Robertson
Byrd, Va.	Johnston	Russell
Byrd, W. Va.	Jordan	Saltonstall
Cannon	Keating	Scott
Carroll	Kefauver	Scott
Case, N.J.	Kerr	Smathers
Case, S. Dak.	Kuchel	Smith, Mass.
Church	Lausche	Smith, Maine
Clark	Long, Mo.	Sparkman
Cotton	Long, Hawaii	Stennis
Curtis	Long, La.	Symington
Dirksen	Magnuson	Talmadge
Douglas	Mansfield	Thurmond
Dworshak	McCarthy	Tower
Eastland	McClellan	Wiley
Ellender	McGee	Williams, N.J.
Ervin	McNamara	Williams, Del.
Fong	Metcalf	Yarborough
Fulbright	Miller	Young, N. Dak.
Goldwater	Morton	Young, Ohio
Gruening	Moss	

Mr. SMATHERS. I announce that the Senator from Connecticut [Mr. DODD], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Oregon [Mr. MORSE], and the Senator from California [Mr. ENGLE] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], and the Senator from Kansas [Mr. CARLSON] are absent on official business.

The Senator from Maryland [Mr. BUTLER] and the Senator from Kentucky [Mr. COOPER] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on official business to attend the Eighth Meeting of Consultation of Ministers of Foreign Affairs of American States.

The VICE PRESIDENT. A quorum is present.

Mr. JAVITS. Mr. President, there is pending on the desk before the President of the Senate a bill for reference. It is S. 2750.

The VICE PRESIDENT. The Senator will suspend until the Senate is in order. The Senate will be in order. The Senator from New York may proceed.

Mr. JAVITS. Mr. President, there is pending upon the desk of the Vice President for reference S. 2750. I respectfully request that at the Chair's convenience the decision upon the reference of the bill may be announced, rather than that the bill be referred without announcement.

The VICE PRESIDENT. The Senator from New York has raised a question as to the reference of the Mansfield bill, S. 2750.

Mr. MANSFIELD. Mr. President, it is the Mansfield-Dirksen bill.

The VICE PRESIDENT. The Mansfield-Dirksen bill, S. 2750. The Legislative Reorganization Act of 1946, section 137, provides:

SEC. 137. In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the Presiding Officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

The Mansfield-Dirksen bill, S. 2750, is a bill to protect the right to vote in Federal elections free from arbitrary discriminations by literacy tests or other means. It amends the Civil Rights Act of 1957, the subject matter of which was within the jurisdiction of the Committee on the Judiciary.

A jurisdictional question having been raised, and the senior Senator from New York having asked for a ruling, the Chair is required under the law of the land and the rules of the Senate to refer it to the committee which has jurisdiction over the subject matter which predominates in the bill.

The bill in question proposes a substitute for subsection (b) of section 131 of the Civil Rights Act of 1957, and, in the main, provides that no person shall be subject or attempt to subject any other person to the deprivation of the right to vote in any Federal election, and defines the term "deprivation of the right to vote."

The bill does not confer upon a person the right to vote. That right already exists. It has for its purpose the prevention of discriminations against the right of a person to vote; in other words, it relates to the enforcement of his right to vote.

After a careful and thorough study by the Senate Parliamentarian, the Assistant Parliamentarian, and other parliamentary authorities, the Chair is informed by all consulted that under the historical precedents of the Senate, bills dealing with civil rights, civil liberties, court proceedings, and enforcement of the laws, have universally been held to

be within the jurisdiction of the Committee on the Judiciary.

The Chair believes that he should give due consideration to the precedents heretofore established and follow those precedents unless otherwise determined by the Senate. Therefore, the Chair refers the bill to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, I appeal from the decision of the Chair.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I do not wish to lose the floor. Hence, would the Senator from Montana ask unanimous consent that I shall not lose the floor?

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from New York may yield to me without his losing his right to the floor.

The VICE PRESIDENT. The Senator from Montana asks that the Senator from New York may yield to him without the Senator from New York losing his right to the floor. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I have discussed this matter with the distinguished senior Senator from New York and the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN], and other interested Senators.

Therefore, on the basis of their approval and, I hope, the approval of the whole Senate, I ask unanimous consent that on any appeal that may be taken from the decision of the Presiding Officer on the reference of S. 2750, debate be limited to 90 minutes, to be equally divided between those favoring and those opposing the appeal, and controlled, respectively, by the Senator from New York [Mr. JAVITS] and the majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and the order is entered.

Mr. JAVITS. I yield myself 15 minutes.

The VICE PRESIDENT. The Senate will be in order.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield for a parliamentary inquiry?

Mr. JAVITS. I yield.

Mr. MANSFIELD. As I understand, there is before the Senate at the present time an appeal from the ruling of the Chair.

The VICE PRESIDENT. The Senator from Montana is correct.

Mr. MANSFIELD. For the information of the Senate, so that it will be on notice, I intend to offer a motion to table the appeal of the Senator from New York.

Mr. JAVITS. I similarly, in deference to my colleagues, suggest that if such a motion to table is offered I shall respectfully ask from my colleagues in the Senate a record vote, the yeas and nays.

Mr. MANSFIELD. That is the right of the Senator.

Mr. JAVITS. I thank the Senator from Montana.

Mr. President, it is not a light matter to appeal from the ruling of the Chair.

I do so only because as a lawyer I am convinced that this bill ought to be referred to the Committee on Rules and Administration, and because I believe it is high time that we argue out the question of whether a civil rights bill must of necessity go to the Judiciary Committee, where, history has shown, it gets no action and is pigeonholed.

In short, I think the substantive question involved is, Shall we get action and hearings, or shall we not? The adjectival or procedural question involved is, according to the rules and precedents of the Senate, Should this bill be referred to the Committee on Rules and Administration? In my opinion, it should be. A considerable number of bills have been referred to the Committee on Rules and Administration which also seek amendment of and have reference to the 1957 Civil Rights Act. There are also bills which deal with the obstructions and encumbrances to the right to vote, which inhibit violation of the right to vote afforded by the 15th amendment—such, for example, as the bills relating to the elimination of the poll tax as a qualification for voting—which have been referred to the Committee on Rules and Administration.

However, it seems to me the essential question is decided for us by the provisions of the law itself, which states that jurisdiction shall go to that committee whose jurisdiction over the subject predominates. I emphasize the word "predominates."

A study of the particular measure which is now before the Senate indicates that it is the jurisdiction of the Committee on Rules and Administration rather than the jurisdiction of the Committee on the Judiciary which definitely predominates. Let us look first at the question of jurisdiction. The jurisdiction of the Committee on the Judiciary, under which the Vice President's reference is made, relates to subsection (k) on page 32 of the Standing Rules of the U.S. Senate, as follows:

1. Judicial proceedings, civil and criminal, generally.
2. Constitutional amendments.
3. Federal courts and judges.

Nothing is said there about civil rights measures. What we are talking about when we refer civil rights bills to the Committee on the Judiciary is that they constitute constitutional amendments or are predominantly based upon judicial proceedings, civil and criminal.

On the other hand, the jurisdiction of the Committee on Rules is very specific on this score. I quote now from subparagraph (d) of its authority, found on page 36 of the Standing Rules of the U.S. Senate. The Committee on Rules and Administration has jurisdiction over:

- (d) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

First and foremost, let us read the title of the bill. That is generally what determines these questions in the majority of cases. The title reads: "To protect the right to vote in Federal elections free

from arbitrary discrimination by literacy tests or other means."

It seems to me, therefore—and my case on this appeal is based upon the following statement of principle—that this is a clean elections bill, a bill to eliminate a corrupt practice which is a burden on Federal elections, and therefore is a measure intended to implement the Fifteenth Amendment, which deals with voting.

Be it said very significantly that if one is going to relate the words of the bill to the words of the jurisdiction of committees, then certainly the bill ought to be referred to the Committee on Rules and Administration, because the bill itself is confined to Federal elections. "Federal elections" generally are the very words of art used in the authority given to the Committee on Rules and Administration, rather than in the authority given to the Committee on the Judiciary. Therefore, it seems to me very clear that if we are going to follow the "preponderate" rule—and we must—then clearly the "preponderate" rule, from the title of the bill, from the limitation of the bill, it being confined to Federal elections, and from the words of the bill, which name Federal elections and other particular and specific aspects of the jurisdiction of the Committee on Rules and Administration, the bill should be referred to the Committee on Rules and Administration.

Also, let us understand that this is not a constitutional amendment. The arguments which have been made—and there have been many—that the literacy test qualification cannot be made standard except by a constitutional amendment, are not germane to this argument, because the Chair has to take the bill as it is, and the bill is based on legislation. So whether it ought to be or ought not to be a constitutional amendment, the fact is that the bill does not propose a constitutional amendment; it is simply a legislative measure and therefore qualifies entirely for being referred to the Committee on Rules and Administration.

Let us again look at the bill. The bill speaks. The bill, in reciting subsection (b) of section 1, speaks of "corrupt influence"—again the very words of art used in the terms of the jurisdiction of the Committee on Rules and Administration.

The bill provides in subsection (a) of section 1, in its general findings of the fact, "that all qualified citizens have the opportunity to participate in the choice of elected officials." Again, that is affirmative of the right to vote, rather than negative of trying to prevent persons from interfering with the right to vote.

Further on we have the following reference, which it seems to me is conclusive. Section 1, subsection (f), of the bill reads as follows, in speaking of Congress: "and its power to protect the integrity of the Federal electoral process."

That recital is so important that I shall reread it: "and its power to protect the integrity of the Federal electoral process, Congress has the duty to provide against the abuses which presently exist."

This clearly indicates the intent of the author of the bill to make it a clean elections bill, a bill against corrupt practices. It is a bill which calls upon the power of Congress, in the words of the bill, to protect the integrity of the Federal electoral process. Under the precedents of the Senate, that is precisely the kind of bill which has, time and time again, been referred to the Committee on Rules and Administration.

During this Congress, five bills—the so-called clean elections bill, which passed the Senate at the end of the last session, S. 604—and four other bills, all relating to corrupt practices in Federal elections, were referred to the Committee on Rules and Administration, notwithstanding the fact that the contents of those bills were penal provisions and amendments to the Federal Criminal Code. That negates the proposition that any bill providing penalties, either civil or criminal, must be referred to the Committee on the Judiciary.

Also, two bills to prohibit poll taxes or other property as conditions for voting—S. 478 and S. 1259—were referred to the Committee on Rules and Administration.

It seems to me that is a very clear analogy that I made of the burden on the voting right, which is sought to be dealt with by this bill. But more conclusive than that, even, is that four bills dealing with voting registrars were also referred to the Committee on Rules and Administration: S. 2814, S. 2684, S. 2719, and S. 2783. The Committee on Rules and Administration held rather extensive hearings upon those bills in 1960. It seems to me that a reading of the bills demonstrates that there we were dealing with specific amendments to the 1957 Civil Rights Act. Nonetheless, because the bills dealt affirmatively with the voting right and burdens on the voting right, they were referred to the Committee on Rules and Administration.

In my opinion, this argument is based soundly upon the law. It is also based upon a very important question of policy, because I believe that there is room for legal argument, which is what we are having now. I have cited some of the points which I think are very persuasive in terms of reference of the pending bill to the Committee on Rules and Administration.

The Chair might have decided either to refer the bill to the Committee on Rules and Administration or to the Committee on the Judiciary. The Chair decided to refer the bill to the Committee on the Judiciary, where all our history demonstrates, that has been no action on such bills. Let us remember that a bill very similar to the pending bill, similar, for practical purposes, in terms of whether we can get action on it or not, has been languishing in the Committee on the Judiciary since January of last year.

Mr. ERVIN. Mr. President, will the Senator from New York yield?

Mr. JAVITS. May I finish this point? That is true notwithstanding the fact that the bill is sponsored by more than 20 Senators on both sides of the aisle. That bill was introduced as a specific bill—a single bill—on January 17, 1961,

and the Committee on the Judiciary has taken no action whatever on it.

Now I yield to the Senator from North Carolina.

Mr. ERVIN. Mr. President, I wish to ask the able and distinguished senior Senator from New York whether he had made any request for a hearing on that bill of the Subcommittee on Constitutional Rights.

Mr. JAVITS. I believe we have made requests both for hearing and for departmental reports. We do that normally in the case of all the bills we introduce.

Mr. ERVIN. Does the Senator from New York affirm that he has made any request of me, as chairman of the Subcommittee on Constitutional Rights, for a hearing on that bill?

Mr. JAVITS. I do not say that at all, because normally our requests would go to the chairman of the full committee, not to the chairman of the subcommittee.

Mr. ERVIN. Well, I am chairman of the subcommittee; and normally Senators who make such requests about such a bill make them of me. The Senator from New York has not made such a request of me. I do not know what requests may have been made of the chairman of the full committee.

Mr. KEATING. Mr. President, will my colleague yield, to permit me to make a clarification?

Mr. JAVITS. I yield.

Mr. KEATING. I am a member of the Subcommittee on Constitutional Rights. Let me say that, as the chairman knows, as a member of that committee I have been pressing to have a higher priority given to all the civil rights bills that are before the committee. We have dealt with the constitutional rights of the criminally insane, the mentally ill, and the Indians and may soon have hearings on the rights of soldiers and immigrants. These are important subjects and I have fully participated in all of our hearings and reports. But we have given civil rights legislation no attention or priority. I am sure that the distinguished Senator from North Carolina will agree that as a member of his subcommittee I have been pressing very hard for a higher priority for all the civil rights bills, including the one to which the senior Senator from New York has been referring.

Mr. JAVITS. Mr. President, I am very grateful to my colleague from New York.

Let me say that I have little doubt about the proper conclusion to be drawn. It is based upon the history of civil rights measures which have been referred to the Judiciary Committee, which has traditionally been the graveyard for such bills. Therefore I reach the conclusion that if this bill is referred to the Judiciary Committee, it will suffer the same fate.

Mr. President, when we consider this matter, let no one be fooled by the parliamentary complexities involved in this question. Legally, as I have said, a case can be made for reference of the bill to either committee. The Chair has chosen to make out the case for refer-

ence of the bill to the Judiciary Committee.

The VICE PRESIDENT. The time the Senator from New York has yielded to himself has expired. If the Senator from New York desires to continue his remarks, will he state the additional time he desires to yield to himself?

Mr. JAVITS. Yes, Mr. President; I yield myself an additional 5 minutes.

The VICE PRESIDENT. The Senator from New York is recognized for an additional 5 minutes.

Mr. JAVITS. Mr. President, as I was saying, let no one be fooled by the parliamentary complexities involved in this question. The ruling which sends the bill to the Judiciary Committee sends it—in view of the arguments which can be made on both sides and which are being made here today—to what I consider a graveyard, in the final analysis, in connection with a close question. Therefore I think it proper to take the position that the decision in regard to this matter becomes a parliamentary decision. Many members who have made campaigns on civil rights matters have a right to know the facts of the matter now before us.

I am convinced that the bill should be referred to the Committee on Rules and Administration. The vote to be taken on the appeal I have made will be a test of whether the efforts of the administration to obtain the passage of civil rights legislation are real efforts to obtain the passage of such legislation or whether they are merely gestures. History teaches us that, Mr. President.

On the subject of the struggle over the so-called filibuster rule, the majority leader of the Senate made the following statement in this Chamber as appears in the CONGRESSIONAL RECORD, volume 107, part 1, page 520:

I wish to assure the Senate that this proposition will receive such consideration, and that I shall leave no stone unturned to see to it that a measure of the kind proposed by the Senator from New Mexico is reported to the Senate at a later date. And, further, the minority leader joins with me in assuring the Senate that we shall do everything in our power to bring such a measure to a vote in this body.

Mr. President, when was that bill reported to the Senate? The parliamentary processes in connection with the bill began in January. The bill reached the floor of the Senate on September 5, when the Senate was again "under the gun" of adjournment, and when it was then impossible, in my opinion and in the opinion of many other Members of the Senate, for the Senate really to go into the matter with any hope of achieving a result.

Of course, the majority leader is subjected to all the vicissitudes that may occur in connection with what happens in this body and also in connection with what happens in the committee to which the bill is referred, and I am not for a minute questioning his good faith; I am merely calling attention to the mandate of history, which shows unquestionably in my opinion, that if the bill is allowed to go to the Judiciary Committee, it will be buried there again. When the major-

ity leader introduced the bill last Thursday he stated that—

It would be my intention, if the request were not given consideration after an appropriate time, to offer the proposal as an amendment to a measure pending before the Senate.

Mr. President, if "an appropriate time" means that the bill will be brought before the Senate 10 or 15 days before adjournment, then we know from experience that nothing much will happen in connection with the bill. But if "an appropriate time" means that the measure will be brought up in 30 days or in some reasonable time of the sort, then we know that something can be done by the Senate in connection with the bill. However, experience shows that this measure will not receive a hearing in the Judiciary Committee. Yet it is obvious that this matter should be explored and considered, as the majority leader has said.

Mr. President, how better can this subject be explored and considered than by its being referred to the committee of which the majority leader is chairman? Therefore, it seems proper that the bill be referred to that committee, so we can be assured that the bill will receive the treatment that many Senators want the bill to receive and the treatment that the country wants the bill to receive.

It is obvious that the enactment of civil rights legislation requires help from Congress. The President has agreed as to that. This measure represents the first thing he has done on that score. After my colleague, the Senator from New York [Mr. KEATING] and others made it clear that we would move to tack such measures onto other bills, the President said, in effect, "Hallelujah! That is great."

The VICE PRESIDENT. The additional time the Senator from New York has yielded to himself has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The VICE PRESIDENT. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. But, Mr. President, this is no time to put the bill down the drain by means of a committee procedure that in the past has been so promising of that very result.

It is for this reason that I believed an appeal had to be taken. No Senator likes to take an appeal from a ruling when the ruling is made, first, by the Chair; second, by the Vice President of the United States; and third, by the former majority leader, who also was an outstanding Senator. Nevertheless, there are many who feel strongly about this key issue; and it is obvious that the legislative path will lead nowhere if this measure is referred to the Judiciary Committee.

Mr. President, if the majority leader's words "an appropriate time" mean precisely what they seemed to mean last year when we talked about rule XXII, when we found that "an appropriate time" meant that Senate consideration of the bill was delayed from the beginning of the session, when we could have done something about rule XXII, to the end of the session, when we could not do

something about changing rule XXII, then, Mr. President, I am all for putting my faith in the majority leader, because he is chairman of the Committee on Rules and Administration, and there he can give this measure a hearing; and he has promised to give it a hearing there in the efficient way he always does.

Mr. CASE of New Jersey. Mr. President, will the Senator from New York yield to me?

Mr. JAVITS. I yield.

Mr. CASE of New Jersey. The Senator from New York with his customary clarity and force has presented the question so clearly that I think very little more need be said. He has made his point under the rules and precedents of the Senate, which I think clearly justify reference of this particular measure to the Committee on Rules and Administration.

As the Senator from New York does not question the propriety of reference to the Committee on the Judiciary also, neither do I. But I believe it would be impossible to deny that there is an exact precedent as between this bill and the bill relating to voting registrars. Neither of these bills attempts to give a substantive right to vote. As the Vice President said in his ruling, that is something that exists anyway, and it does not have to be given to anyone by law.

Both of these measures were for the purpose of implementation of that right. It seems to me the rulings and references of bills dealing with voting registrars to the Committee on Rules are squarely precedents for the reference to the Committee on Rules of the pending bill.

So, as the Senator from New York has so well said, it comes down to a question of policy. Where do we want this bill to go, it being a bill that could properly be referred to either committee?

The Senator from New York has clearly pointed out the results of reference to either committee. Our experience last year was another in the long experience of frustration in efforts to change rule XXII. We had specific assurance then from the majority leader, which we have not now, as to when he intends to bring it up if the Committee on the Judiciary should fail to act. Under the circumstances we are left in, it is up to us in the Senate who take a responsibility in this matter to take those steps which we feel should be taken.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. Mr. President, the majority leader does not wish to yield any time now. I yield 5 minutes to my colleague from New York.

The VICE PRESIDENT. The Senator from New York is recognized for 5 minutes.

Mr. KEATING. Mr. President, it is essential that this legislation be referred to the Committee on Rules and Administration.

I am in the rather unique position of serving on both the Committee on the Judiciary and the Committee on Rules and Administration. I therefore can speak, with perhaps unusual authority on this question. In my judgment a reference of this bill to the Judiciary

Committee would be sentencing it to a slow and sure death. That committee already is serving as a burial ground for more than a score of civil rights bills—some of which were introduced more than a year ago. There is no more hope that the committee would allow this bill to live than that it will resurrect any one of these other dead measures which it now inters.

The Committee on Rules and Administration, on the other hand, under the chairmanship of the majority leader, can reasonably be expected to give prompt and sympathetic consideration to this measure. I am sure that the opponents, as well as the proponents, will be given an opportunity to be heard. There may be amendments—but we would have every reason to hope that the bill would be reported to the Senate in plenty of time to resist whatever verbal assault may be mobilized against it.

I believe in orderly procedure and would not support this appeal if I was not convinced that referral of this bill to the Committee on Rules and Administration was entirely consistent with the rules and precedents of the Senate.

Rule XXV of the Standing Rules of the Senate expressly provides for the reference to the Committee on Rules and Administration of all proposed legislation relating to the "election of the President, Vice President, or Members of Congress" or "Federal election generally." There is no such provision in rule XXV with regard to the Committee on the Judiciary, that committee's only relevant jurisdiction being limited to judicial proceedings, constitutional amendments and civil liberties. If S. 2750—the pending bill—can fairly be said to relate primarily to Federal elections, then certainly under the plain language of rule XXV it should go to the Committee on Rules and not to the Committee on the Judiciary.

The ruling of the President is inconsistent with the past practice with regard to a host of similar bills. In the 86th Congress, for example, at least seven bills growing out of the recommendations of the Commission on Civil Rights were referred to the Committee on Rules and Administration. I participated in the hearings on these bills. Four of these—S. 2684, S. 2719, S. 2783, and S. 2814—would have authorized the appointment of temporary Federal registrars in areas in which citizens were being denied the right to vote because of race or color. Two of these—S. 2722 and S. 2785—provided for the preservation of voting records, and another—S. 2535—would have established a congressional election commission to supervise the conduct of Federal elections where violations of voting rights were found. It is obvious that these bills related in part to civil liberties and to judicial proceedings, the criteria for the Committee on the Judiciary. But because they related predominately to Federal elections, they went to Rules not Judiciary, and no objection whatever was made to such reference at that time.

Historically, almost all such bills have gone to the Committee on Rules. Other pertinent examples are bills to abolish

poll taxes, bills to amend the Hatch Act or the Corrupt Practices Act, bills prescribing the time of elections and conventions, bills relating to primaries or election practices or election costs—all of which have gone to the Committee on Rules—not the Judiciary Committee.

There is no difference in nature sufficient to justify a difference in referral between this bill on literacy tests and bills on Federal registrars, poll taxes or the preservation of voting records. As an original proposition it would appear to be utterly inconsistent with the language of rule XXV and these precedents to refer this literacy bill (S. 2750) to the Judiciary Committee. With all due deference to the President's ruling, in my opinion it is contrary to the law of the land and the precedents of this body to send this bill to its demise in the Judiciary Committee. Certainly no such ruling was compelled.

The only argument which can properly be made against the referral of this bill to the Rules Committee is that a similar bill (S. 480) introduced by my colleague, Senator JAVITS, early last year was referred to the Committee on the Judiciary, where, by the way, it has since rested without the slightest disturbance.

In my opinion it was a mistake to refer this bill to the Judiciary Committee, and we should have challenged the ruling of the Chair then as we are doing now.

In any event, there are several important distinctions of parliamentary significance between the two measures. The titles of the bill are different, S. 480 emphasizes the prohibition of unreasonable literacy tests, while S. 2750 emphasizes protection of the right to vote in Federal elections. In their findings, more significant differences appear—S. 480 deals only with the abuse of literacy tests; S. 2750, in contrast, refers to "discrimination and other corrupt influences." In scope, also, there are substantial distinctions. S. 480 deals only with literacy tests used for racial discrimination; S. 2750, however, deals also with language barriers to voting—a subject which the Commission on Civil Rights said was "not strictly within the scope of the Commission's authority." In addition, S. 480 is based on the power of Congress to enforce the 14th and 15th amendments, while S. 2750 explicitly refers to the power of Congress "to protect the integrity of the Federal electoral process." Finally, in their substantive provisions, S. 480 applies to State and local as well as Federal elections, while S. 2750 applies solely to Federal elections; S. 480 prohibits only unreasonable literacy tests—S. 2750 prohibits any application "of standards or procedures more stringent than are applied to others similarly situated" as well as unreasonable literacy tests.

It is apparent that there are substantive differences in these measures, that there is clear authority for a reference of S. 2750 to the Committee on Rules where it will receive proper consideration, and that there is no requirement that it be referred to the Judiciary Committee. If we are really interested in seeing something more become of this bill than an

empty gesture—our course is clear. We must vote for this appeal and to overrule the decision of the President.

The VICE PRESIDENT. The time of the Senator from New York has expired. Mr. JAVITS. I yield 2 additional minutes to my colleague.

The VICE PRESIDENT. The Senator from New York is yielded 2 additional minutes.

Mr. KEATING. Mr. President, I was interested in the statement of the distinguished majority leader [Mr. MANSFIELD] when he introduced the bill, that if the appropriate committee did not report this bill to the Senate within an appropriate time, he would move to add it to some other measure before the Senate. I would in no way want to press the distinguished majority leader, but if he could elaborate on what he means by "appropriate time," it seems to me it would be very helpful.

We were faced in the last session with a similar pledge when some of us attempted to change the present cloture rule. As a result, the effort was put off in the beginning of the session, but it was not until the very end of the session that the subject was brought up. By that time, the threat of extensive debate was able to defeat the rules change; whereas, if it had been brought back early in the session, that would not have happened.

It would be helpful to me if the majority leader would amplify his reference to an appropriate time.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JAVITS. Mr. President, the Senator from Montana does not wish to yield time at the moment—

Mr. MANSFIELD. Mr. President, does the Senator have any more Senators to whom he wishes to yield time?

Mr. JAVITS. I do. I yield 4 minutes to the Senator from California [Mr. KUCHEL].

The VICE PRESIDENT. The Senator from California is recognized for 4 minutes.

Mr. KUCHEL. Mr. President, the right to vote is guaranteed by the Constitution. It is a supremely precious American prerogative shared by all citizens. Nevertheless, the right to vote has been rather shamefully shunted aside and rendered meaningless in many parts of this country. What an ugly commentary on our beloved Republic.

The Republican national platform adopted in Chicago in 1960 promised the American people that it would sponsor "legislation to provide that the completion of six primary grades in a State accredited school is conclusive evidence of literacy for voting purposes."

On January 17, 1961, the distinguished Senator from New York [Mr. JAVITS] and others of us on this side of the aisle, with some Members from the other side, joined in introducing a measure to carry out that particular beneficent promise. It was sent to the Judiciary Committee, and in the intervening 12-month period it has languished, and there, I guarantee you, Mr. President, it will die. That is the constant, lamentable, never changing fate each civil rights bill, of any kind,

receives when it goes to the Senate Judiciary Committee.

I do not quarrel with the ruling by the Presiding Officer, under the rules, but I am sure the Presiding Officer will not quarrel either, with the appeal, also under our rules, that has been taken by the able Senator from New York and the rest of us, for the reasons he has lucidly explained in the comments he made a few minutes ago. The Senate has the right to send the bill—any bill—to any committee it chooses. And, in my view, the Rules Committee is perfectly equipped, by jurisdiction and by its membership, to deal with the provisions of this bill, dealing as it does with elections and the right to vote.

If the proposed legislation, sponsored by the majority leader and joined in by our Republican leader—a demonstration that we, many of us, maybe, I hope, a majority of us, continue to believe the proposed legislation ought to be enacted into law—now again goes to the Judiciary Committee, it will be simply a meaningless gesture. It will die there, just as surely as the almost identical bill we introduced a year ago is dying there.

This is an opportunity for Members of the Senate to exercise the rights they have under the rules which guide the Senate to make a decision as to where the proposed legislation ought to go. If Senators believe the proposed legislation ought to be enacted into law, then they will agree with the Senator from New York, they will set aside the ruling of the Presiding Officer, and they will send the measure to the Committee on Rules and Administration, where it will have an opportunity honorably to be heard and honorably to be sent to the Senate for approval.

If Senators do not believe in the proposed legislation they will uphold the ruling of the Chair, they will let the measure go to the Judiciary Committee, and there, in exactly the same fashion that has been followed with regard to the proposed legislation introduced a year ago, the bill will be destined for an untimely and regrettable end.

Mr. President, there is a clear responsibility of Senators if they are interested in equal treatment under law. Do not permit the right to vote continue to be a shameful mockery anyplace in our land. Come along with my colleague from New York and others of us. Give this bill an honorable opportunity of survival which is its due. Send it to the Committee on Rules and Administration.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield 1 minute to my colleague from Connecticut.

The VICE PRESIDENT. The Senator from Connecticut is recognized for 1 minute.

Mr. BUSH. Mr. President, I am glad to associate myself with the position of the distinguished Senator from New York, the distinguished Senator from California, and the distinguished Senator from New Jersey. I support the motion of the Senator from New York

that the bill be referred to the Committee on Rules and Administration.

Mr. President, I have served in the Senate now nearly 10 years. The question of civil rights has been "kicked around" year after year after year, and we have never had a decent opportunity to vote on it.

The bill which was introduced by the able majority leader and minority leader would give us that opportunity. If the bill goes to the Committee on Rules and Administration we shall have that opportunity. Therefore, I very much hope the Senate will sustain the appeal of the distinguished senior Senator from New York, and I shall certainly support him.

Mr. JAVITS. I thank my colleague. Mr. HART. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Michigan.

The VICE PRESIDENT. The Senator from Michigan is recognized for 1 minute.

Mr. HART. Mr. President, this is a question to which one finds it appropriate to address himself under these circumstances.

I have listened with great care to the discussion led by the senior Senator from New York. It is my feeling that logic suggests the bill could go either to the Committee on the Judiciary or to the Committee on Rules and Administration. I think that is rather clear from the discussion.

I think the question then is, How intense is the desire to see the bill acted upon? For one, I have an intense desire to see the Senate act and act favorably upon the proposal. For this reason, Mr. President, it seems to me desirable that we seek to direct consideration of the bill by the Committee on Rules and Administration. For that reason I suggest that we should—and always reluctantly—support the motion on the appeal from the ruling of the Chair.

Mr. JAVITS. Mr. President, I yield 3 minutes to my colleague from Pennsylvania [Mr. CLARK].

The VICE PRESIDENT. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I hope the majority leader will yield the Senator 2 minutes. The Senator from Pennsylvania wishes to have 5 minutes.

Mr. CLARK. Mr. President, I do not see the majority leader in the Chamber. I wonder who controls the time in support of the ruling of the Chair, so that I may ask for an additional 2 minutes, for a total of 5 minutes.

Mr. PASTORE. Mr. President, I yield the Senator 2 additional minutes.

Mr. CLARK. I thank the Senator.

Mr. President, speaking first as a lawyer, and with deep regret because of the high regard I hold for the present occupant of the chair, the distinguished Vice President of the United States, and for the Parliamentarian and the Assistant Parliamentarian, who have advised him, I am compelled to say that in my judgment as a lawyer the parliamentary ruling was incorrect and that the bill should have been referred to the Committee on Rules and Administration.

The distinguished Vice President said in his ruling:

Bills [such as that now pending] dealing with civil rights, civil liberties, court proceedings, and enforcement of the laws, have universally been held to be within the jurisdiction of the Committee on the Judiciary.

In my opinion this statement is not entirely correct. Bills dealing with civil rights have on many occasions been referred to other committees.

I am presently the principal sponsor of a series of six civil rights bills, two of which have been referred on the advice of the same Parliamentarian to the Committee on Labor and Public Welfare, on which I serve. The first deals with the controversial subject of school desegregation and the second deals with those civil rights involved in fair employment practices legislation. Civil rights is the heart of both bills, and yet both bills were referred last year, without objection, to the Committee on Labor and Public Welfare, where they are presently pending. I hope the committee will authorize public hearings on both bills soon.

Formerly, in 1949 and 1950, proposed FEPC legislation, clearly civil rights in nature, was referred to the Committee on Labor and Public Welfare and hearings were held on the bills.

I have before me a document entitled "Federal Registrars," containing hearings on S. 2684, S. 2719, S. 2783, and S. 2814, and other bills introduced in the 86th Congress, all of which deal with civil rights matters, the question of voting rights being involved. Every one of these bills was referred to the Committee on Rules and Administration.

I think it is difficult to substantiate the contention that all civil rights bills are automatically referred to the Committee on the Judiciary, and I think the precedents in the record prove that this is not the case. Several of the bills to which I have referred involve amendments to the Civil Rights Act of 1957.

Accordingly, Mr. President, I do not think that precedents sustain the ruling of the Chair, nor do I think the rules of the Senate sustain the ruling.

I refer to Senate standing rule XXV (o) (1) (D) which provides that matters dealing with "Federal elections generally" should be referred not to the Committee on the Judiciary, but to the Committee on Rules and Administration.

It is true that an argument can be made, as has been made, that the bill should be referred to the Committee on the Judiciary, but I do not believe that conscientious and objective lawyers who carefully studied the question would have much doubt in coming to the conclusion that by far the stronger case lies in support of a reference to the Committee on Rules and Administration and not to the Committee on the Judiciary.

I regret that the Presiding Officer has ruled as he has. Unhappily, this is not the first time I have differed with my very distinguished and very good friend, the Parliamentarian, who unfortunately does not always agree with me. Perhaps he is right and perhaps I am wrong, but in support of the argument I have been making, I ask unanimous consent that there may be printed in the Record at

this point in my remarks a memorandum dated January 30, 1962, entitled "Arguments for Reference of S. 2750 to Rules Committee on Appeal From Ruling of Chair Referring to Judiciary Committee."

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

ARGUMENTS FOR REFERENCE OF S. 2750 TO RULES COMMITTEE ON APPEAL FROM RULING OF CHAIR REFERRING TO JUDICIARY COMMITTEE

1. Legally, both have claims to jurisdiction. Test is set by section 137 of Reorganization Act of 1946: "That committee which has jurisdiction over the subject matter which predominates in such proposed legislation."

(a) Under rule XXV(k) of the Standing Rules of the Senate, the Judiciary Committee has jurisdiction over "judicial proceedings, civil and criminal, generally," and, concededly, this bill on its face consists of an amendment to a subsection of section 1971, title 42, United States Code, which in another subsection provides for civil action by the Attorney General to protect citizens' rights to vote.

(b) But everyone concedes that jurisdictional lines of committees necessarily overlap, and the claim of the Rules Committee is quite clear on the face of the bill: Rule XXV(o) (1) (D) calls for referral of all proposed legislation relating to "the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; \* \* \* S. 2750 is entitled "To protect the right to vote in Federal elections free from arbitrary discrimination by literacy tests or other means" and is entirely concerned with Federal elections and who may vote in them; section 1(b) consists of a finding relating to freedom of Federal elections from discrimination and "other corrupt influence"; and section 1(f) asserts the "power" of the Congress "to protect the integrity of the Federal electoral process."

2. Legally, the Rules Committee has the stronger claim to the substance of the bill:

(a) The bill relates only to Federal elections, not to elections for State or local offices. Congress' inherent power to regulate the election of its own Members is vested in the Rules Committee even though its power to regulate other elections may not be.

(b) There are strong precedents for Rules Committee reference: During this Congress five bills, S. 604 (which passed the Senate), S. 1555, S. 1623, S. 2080, and S. 2426, all relating to finances and corrupt practices in Federal elections, were referred to Rules, notwithstanding penal provisions and amendments to the Federal Criminal Code. Also, two bills prohibiting poll taxes or other property conditions for voting, S. 478 and S. 1259, were referred to Rules. The majority leader's own bill, S. 228, relating to presidential primaries, has been referred to Rules. And in the 86th Congress, S. 2814, dealing with voting registrars, was also referred to Rules. There are no contested precedents for reference to either Judiciary or Rules in the area of elections.

3. Most importantly, since both committees have a colorable legal claim, the question before the Senate on appeal from the ruling of the Chair is primarily one of policy: Does the Senate want action on this bill or does it not?

(a) Upon introduction of the bill its principal sponsor, the majority leader, has, to use his words, "made a plea on the floor of the Senate for early hearings so that administration representatives and other witnesses on both sides of the question may be heard."

The majority leader is chairman of the Rules Committee and therefore in a position to assure such prompt action on a bill referred to his committee. It is clear that no action on the bill will be taken in committee if it is referred to Judiciary: virtually the same literacy test provision was first referred to that committee as part of S. 3829 which was introduced on August 19, 1960, in the 2d session of the 85th Congress. No action whatever was taken on it. It was reintroduced by itself as S. 480 on January 17, 1961, and again that committee has taken no action whatever on it. In 1960, when the Civil Rights Act was passed by the House, it was referred to Judiciary with directions to report within 5 days; even then that committee failed to include recommendations in its report.

(b) The majority leader, when asked about the possibility of inaction on S. 2750 last Thursday, said that, if his request "were not given consideration after an appropriate time," it would be his intention "to offer the proposal as an amendment to a measure pending before the Senate," the very procedure to which civil rights proponents have had to resort in the past. This is clearly an inadequate procedure because the Senate then has no opportunity to obtain the benefit of committee consideration of the measure, and arguments can then be made that the committee should have further time to act; that bills are inadequate unless screened in committee; that the pending measure is too unrelated even without a role of germaneness; or that the pending measure is too important to risk defeating with a controversial amendment.

CONCLUSION

The President \* \* \* has asked in his state of the Union message for some civil rights legislation, mentioning \* \* \* poll taxes and literacy tests. These were only two of the many recommendations of the Federal Civil Rights Commission in its voting report for 1961; the voting report was only one of five reports containing many legislative recommendations. At least the Congress should be able to pass this one measure promptly and in the usual manner.

Mr. CLARK. Mr. President, I yield back the remainder of my time.

The VICE PRESIDENT. The time of the Senator from Pennsylvania has expired.

Mr. JAVITS. Mr. President, I yield half of my remaining time, which I understand to be 6 minutes, to the senior Senator from Illinois [Mr. DOUGLAS]. I therefore yield 3 minutes to the Senator from Illinois, who I understand wishes to use his time in a colloquy with the majority leader.

The VICE PRESIDENT. The Senator from New York has 6 minutes remaining. He now yields 3 minutes to the senior Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, will the Senator from Montana yield 2 or 3 minutes also?

Mr. MANSFIELD. Mr. President, I yield to the Senator from Illinois 2 minutes.

The VICE PRESIDENT. The Senator from Illinois is recognized for 5 minutes.

Mr. DOUGLAS. Mr. President, I do not wish to make a speech, but I do wish to address a question to the Senator from Montana [Mr. MANSFIELD]. He introduced his bill last Thursday, January 25. In colloquy with the Senator from New York [Mr. JAVITS] he expressed his

desire that the Senate Judiciary Committee schedule early hearings. He then went on to say:

It would be my intention, if the request were not given consideration after an appropriate time, to offer the proposal as an amendment to a measure pending before the Senate.

I am sure we all have great trust and faith in the Senator from Montana and in the sacredness of his pledged word. But we also know that opinions differ as to the proper interpretation of words. I am wondering if the Senator from Montana would be willing to define more precisely what he means by "after an appropriate time," and if he would say that he would move the proposal as an amendment to a measure pending before the Senate if the Judiciary Committee should fail to report the bill, either pro or con. I further ask the Senator from Montana if he would be willing to say that if after 30 or 60 days the Judiciary Committee had not reported the bill, he would then pledge himself to offer the proposal as an amendment to some measure pending before the Senate.

Mr. MANSFIELD. Mr. President, in response to the inquiries raised by the distinguished Senator from Illinois, I think that the effect of his request would be to circumscribe quite drastically the flexibility which, in my opinion, the leadership must exercise. As I said last Thursday, when the bill was introduced, I believe that there should be hearings in the Judiciary Committee. I made a request to that effect at that time, and I stated that if no action was forthcoming by that committee within a reasonable length of time, it would be my intention to bring the matter to the floor of the Senate. To elucidate a little further on that particular aspect of the question raised, it would be my hope and intention that it could be applied as an amendment to a bill before the Senate. Thirty days is too short, too circumscribed.

Mr. DOUGLAS. What about 60 days, then?

Mr. MANSFIELD. Sixty days is too short. I believe we must allow a little leeway both in the committee and on the floor of the Senate. I dislike to be pinned down on a question of this nature because I think it is bad practice, generally speaking. But I will say to my distinguished friend from Illinois that it would be my intention to undertake some kind of action on the proposal in the period between the 60 and 90 days. That is about as definite assurance as I can give, and I would not go any further than that.

Mr. DOUGLAS. The statement of the Senator would apply if the Judiciary Committee did not report the bill, either favorably or unfavorably?

Mr. MANSFIELD. It would, indeed. However, I hope that in the meantime hearings will be held before the appropriate subcommittees of the Judiciary Committee and that action will be taken by the full committee. I point out to my friend from Illinois that the proposal of the Senator from New York [Mr.

JAVITS] to attach a measure to a pending bill is still available for use at any time and on any basis the Senator wishes.

Mr. DOUGLAS. I very much appreciate the statement of the Senator. I never like to engage in combat if it is not necessary. So the assurance given that if the Judiciary Committee does not report the measure out in the space of 90 days, the Senator from Montana will move to have his bill considered directly by the Senate itself. I understand that is what he has said.

Mr. MANSFIELD. The Senator is correct. It is my opinion, and my opinion only, that if the bill were referred to the Committee on Rules and Administration it would take as long, if not longer, to report a bill from that committee. I repeat, that is my own personal opinion.

Mr. DOUGLAS. Speaking only for myself, I would say that the assurance given is adequate. I do not know what the Senator from New York [Mr. JAVITS] wishes to do, but I was not only prepared, but eager, to vote for the appeal of the Senator from New York. But in view of the assurance given, I personally do not think his appeal is necessary to get action on the subject. I do not know whether he feels that it is necessary or not.

The VICE PRESIDENT. The time of the Senator from Montana has expired.

Mr. RUSSELL. Mr. President, will the Senator from Montana yield about 2 minutes in order that I might ask him a question?

Mr. MANSFIELD. Yes, I yield 2 minutes to the Senator from Georgia.

The VICE PRESIDENT. The Senator from Georgia is recognized for 2 minutes.

Mr. RUSSELL. The Senator from Montana may be aware that some of us think that in order to attain the objective of the bill, the Constitution must be amended in the manner prescribed by the terms of that document.

I was not so naive as to think that we would get by in an election year without the South being cast in its traditional role of a political football. That is SOP—standard operating procedure—in the quest for minority votes in politics today. We try to be humble and modest and we southerners are therefore generously permitted to supply the votes necessary to elect Presidents and Vice Presidents of the United States on a Democratic ticket. I wonder if the Senator would be gracious enough to state whether or not he would notify those of us who think that the Constitution still has some relevancy and is worthy of mention 2 or 3 days before he moves to bring this measure before the Senate. May we rely upon having at least 48 hours' notice before the axe of the executioner is poised?

Mr. MANSFIELD. I will say to my distinguished friend, the senior Senator from Georgia, that he will have more than 48 hours' notice. He will have as much notice in advance as is possible, because I believe that is the only way

to operate on the basis of equality in this Chamber.

Mr. RUSSELL. I thank the Senator. My cup of gratitude runneth over. We will try to respond by being present and discussing the issue.

Mr. DIRKSEN. Mr. President, will the Senator yield approximately 10 minutes to me?

Mr. MANSFIELD. I yield 10 minutes to the Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized for 10 minutes.

Mr. DIRKSEN. Mr. President, first I will say something about my cosponsorship with the majority leader of the bill that has been introduced and under reference to the Judiciary Committee, and then I shall say something about the appeal that is presently before us. I shall not support that appeal.

On July 27, 1960, the delegates to the Republican National Convention in Chicago adopted a platform which contained a pledge to secure "legislation to provide that the completion of six primary grades in a State accredited school is conclusive evidence of literacy for voting purposes."

That is about as specific as any pledge can be.

On July 12, 1960, delegates to the Democrat National Convention in Los Angeles adopted a platform containing a pledge "to support whatever action is necessary to eliminate literacy tests and the payment of poll taxes as a requirement for voting."

These pledges were separately and independently developed.

Here then, is the general concurrence of both major political parties with respect to the literacy test as an instrument for restricting the voting privilege.

The Republican Party pledge is quite specific and I direct especial attention to the fact that it pledges action through legislation and not by a constitutional amendment.

I am aware of the fact that to nullify the literacy test of a State, insofar as it applies to State and local elections, might give rise to a constitutional question. I am aware of the language of the 14th, 15th, and 17th amendments to the Constitution. I am aware also of the fact that they admit of various interpretations.

This has been considered by the platform drafters of both parties and also by the Civil Rights Commission. Protection of the right to vote is of paramount importance. Accordingly, I am joining with the distinguished majority leader in the cosponsorship of a bill which would make it unlawful to deny in any Federal election—that point deserves emphasis—the right to vote to any person because of his performance in a literacy test or other examination if such person has completed the sixth primary grade in any accredited public or private school.

This proposal is in accordance with and in pursuance of the civil rights programs initiated by the Republican platform of 1952 and carried forward since that time.

Mr. President, the bill in question is amendatory of the parent act, and that is the Civil Rights Act. That act, when a bill, was referred to the Judiciary Committee, and properly so. The present bill is an amendment to the parent act, and therefore has also been referred properly, I believe, by the Chair.

Much has been made of the fact that the Judiciary Committee is an adorned cemetery for a civil rights bill. One can be very unhappy about how a bill is received and handled in a committee. However, I am not sure that that is a warrant for departing from what I believe to be a settled precedent here. Properly speaking, the bill should go to the Judiciary Committee.

I would not be so bold as to affront the distinguished Senator from North Carolina [Mr. ERVIN], who is chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary. He has been eminently affirmative always, and we do not have to look very far or go very far to find out where our distinguished friend the chairman of the subcommittee stands. The whole world knows where he stands. That is not the problem here. If we fail to observe what I believe to be a very firm precedent, it may rise up in another day to haunt us. I do not like to be in that very unhappy position. I do not confess the pessimistic spirit uttered by some Senators that it is impossible to get any action on the bill.

To be sure, the cloture approach is available, even though it may fail. However, I wish to say now for myself, even as the majority leader has indicated, that, consonant with the lapse of a reasonable amount of time, other action will be contrived.

I assure the Senate now that if perchance early hearings do not eventuate and early action does not come out of the subcommittee and the full committee—and I do not peg it in terms of weeks or months, but rather with the business of the Senate and of the subcommittee and of the committee as a background—I intend to pursue, under the rules of the Senate, every device at my command to get action. My name would not be on the bill today if I did not believe it ought to be enacted into law.

Therefore, there is available to every Senator, since we have no germaneness rule, an opportunity at any time within reason to offer the bill as an amendment to any pending bill in the Senate.

I must be candid with the Senate, so that a Senator will not sneak up on my blind side and say, "You should have given us some warning that you would try to hook this bill onto a bill that has come out of the Labor Committee or out of the Agriculture Committee or out of the Interior Committee or out of the Commerce Committee." I am not going to be selective in my choice. Once before we hooked a bill onto the Stella school district bill. How that little school district made history before we got through.

I am not going to limit myself to any bill reported by any committee whenever

I think the time is propitious and when I think the opportunity is here, because that is when I intend to propose the bill as an amendment to another bill. Every Member of the Senate should be on the alert now that that might come at any time after the lapse of a reasonable amount of time. Therefore, the distinguished Senator from North Carolina [Mr. ERVIN], can alert his committee and hold hearings, no matter how long or short they may be.

There is nothing complicated about this matter. It is not a prolix bill in view of all the testimony that has been taken over the years on the whole subject of civil rights. Our distinguished friend from North Carolina will treat us fairly, I am sure. I shall watch, I shall wait, and then in due course I shall give notice—and I may say to my distinguished friend, the Senator from Georgia [Mr. RUSSELL], that I will be glad to give 10 days' notice or 2 weeks' notice—that I anticipate that a reported bill will be selected as a suitable vehicle and proper instrument to which to attach the measure which is now being referred.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. RUSSELL. I thank the distinguished Senator from Illinois. Our ranks are a little thin these days and we are hard pressed to keep two men on guard here each and every hour and moment of the day, to avoid surprise attacks and ambushes by those who are interested in this issue for reasons moral or political—I assume some of them are interested in it from what they consider a moral standpoint. It will avoid our having to stand here all the time and watch. I appreciate the Senator's assurance. I can assure him that we appreciate the assurance we will be notified. When we receive the notice we will endeavor to be on hand when the hour strikes.

Mr. DIRKSEN. Mr. President, I believe it would be a real disservice to the Senate and to Senators who embrace the general viewpoint of the distinguished Senator from Georgia if he did not receive ample notice. I do not believe it is necessary for a Senator to have to be vigilant and to man the floor hour after hour and day after day because there is the danger that suddenly by surprise attack something will be offered. I intend to see to it that ample notice is given.

Mr. RUSSELL. I share the Senator's view with respect to surprise, and I hope all Senators will listen to what the Senator has said and to the remarks of the majority leader, if he shares that view, that that will be done.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I yield 3 additional minutes to the Senator from Illinois. First I wish to align myself with what the distinguished minority leader has said, and to assure the Senator from Georgia and all other Senators, regardless of their position, that at no time under any circumstances that I can foresee will there ever be a sneak attack on any group or any Senator, and

that on all occasions, insofar as it is possible, all individual Senators concerned will be notified of actions being contemplated by the leadership.

Mr. DIRKSEN. The whole world knows that the majority leader is a man of probity and character and keeps his word. I trust in a modest degree I share something of that same reputation.

So speaking for myself, I give that assurance to the Senate. I want to see the bill passed; but also I want to see the precedents observed, if at all possible. For that reason, I feel impelled—

Mr. RUSSELL. Mr. President, I think the Senator should say "amenities"; it has not always been the precedent.

Mr. DIRKSEN. That could well be. After I get the fine shade of meaning of the word "amenities" out of Webster, I may have that changed in the RECORD. But I am glad to share the viewpoint entertained by the Senator from New York with reference to the ruling of the Chair, because I think that ruling is correct.

Mr. MANSFIELD. Mr. President, I yield myself 10 minutes.

Mr. JAVITS. Mr. President, before the Senator from Montana proceeds, will he yield for two questions which might enable us to come to some conclusion which would be satisfactory to all?

Mr. MANSFIELD. I yield.

Mr. JAVITS. After all, we are fencing a little bit. I do not think that is propitious for any of us. First, there is a question of a hearing. Can we get any assurance from the chairman of the subcommittee, who appears to have authority—although I was not aware of the fact that that is the way the Committee on the Judiciary was run, but I am delighted it is—that there will be hearings upon this measure within the time which the majority leader has described as an appropriate or a reasonable time?

Mr. MANSFIELD. If I may answer, before calling upon the distinguished Senator from North Carolina [Mr. ERVIN], chairman of that particular subcommittee, it is my understanding that as to all the civil rights bills introduced by various Senators on both sides of the aisle, none of the authors has requested hearings on such bills, except in the case of the bill to provide for an extension of the Civil Rights Commission. So I would not be willing to put the chairman of that subcommittee in the position of making a definite promise at this time, because he is an honorable man and will take note of the requests made by the leadership on this question. He is aware of what will happen if hearings are not held. I have every confidence, although I have not spoken to him about it, that hearings will be held.

Mr. JAVITS. Mr. President, as one Senator who is concerned with the subject, I herewith request hearings on S. 480, pending before the subcommittee.

May I ask one other question of the majority leader, so that we may be perfectly clear in our understanding? Will the majority leader tell us specifically—because we had such a specific statement on one occasion from the distinguished Vice President, who is now presiding, and it worked, and we actually had civil rights legislation in 1960—will the ma-

majority leader tell us that in the period between 60 and 90 days from today there will be brought before the Senate for action the bill which he has introduced, S. 2750, either as a bill or as an amendment to some other bill?

Mr. MANSFIELD. I have made that statement in response to a question raised by the distinguished senior Senator from Illinois [Mr. DOUGLAS]. When the bill was introduced on Thursday last, I indicated that that would be the procedure. I reiterate again what I have said twice previously.

Mr. JAVITS. But does the Senator reiterate what I have just asked him? The Senator may not be a lawyer, but he is using language that lawyers often use if they do not wish to answer specifically. It seems to me we cannot fence about these things.

Mr. MANSFIELD. I am not fencing. I have said it is my intention to request hearings before the Committee on the Judiciary, or an appropriate subcommittee thereof; that if no action is taken within a 60- to 90-day period, I will do my best to see to it that the proposal is attached to a bill pending before the Senate. I cannot give a definite, absolute commitment, because if something extraordinary arose, I would feel that I would have to have that much leeway.

Mr. JAVITS. I should like to pursue this colloquy. "No action" means that a bill has not been reported. Is that correct?

Mr. MANSFIELD. That is correct.

Mr. JAVITS. If a bill is reported, will the Senator proceed with the bill upon the same understanding; namely, that within 60 to 90 days, again subject to any earth-shaking event—which we all understand might, in the national interest, dictate—

Mr. MANSFIELD. Mr. President, this colloquy is all coming out of my time. I have not had a word to say on this subject.

Any bill which is reported by the committee will be taken before the policy committee for action. To the best of my knowledge, there has never been a bill of any nature before the policy committee which was not reported.

Mr. JAVITS. I thank the Senator from Montana.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I associate myself with the request of the Senator from New York to the Senator from North Carolina [Mr. ERVIN], chairman of the subcommittee, that there be early hearings. I trust that this statement will serve as a formal request to that effect.

Mr. ERVIN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. ERVIN. I thank the Senator from Illinois for saying that my position on so-called civil rights bills is well known. My position is based upon the fact that I have never yet seen a so-called civil rights bill which was not calculated, if not intended, to sell constitutional truth to serve the political hour.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from South Carolina [Mr. JOHNSTON].

Mr. JOHNSTON. Mr. President, the proposed legislation sponsored by the administration seeks to change, by statute, the qualifications for voters which previously have been laid out by the writers of the Constitution. This proposal would say to the 50 States that a sixth grade education can be the only literacy test that any State can apply to any voter as a prerequisite to voting.

Article I, section 2 of the Constitution of the United States says:

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

This, in itself, is plain language, needs no further interpretation. The language is clear and distinct, giving unto each State the absolute authority to determine the prerequisites for voting. Although this section was amended by the 17th amendment to the Constitution of the United States, the 17th amendment in no way removes this right from the States. The 17th amendment to the Constitution states:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Mr. President, it is clear to even the most liberal thinker—if he applies legal and constitutional thinking to his reasoning—that we cannot amend the Constitution of the United States in the Senate and take away these rights which belong to the individual States.

Mr. President, the Washington Post newspaper, a publication in this city with which I am seldom found in agreement because of its liberal leanings, published Monday morning, January 29, an editorial entitled: "The Federal Right To Vote." This editorial in the Washington Post underscores the unconstitutionality of the amendment proposed by the administration and to the Senate by our distinguished majority leader, who has been joined in this effort by the distinguished minority leader. The Washington Post, I am sure, seeks to remove from the powers of the individual States not only what is sought in this bill, but even other rights given the States by the Constitution. With this I am in disagreement with the Washington Post, but even the Washington Post recognizes the unconstitutionality of the proposal to amend the Constitution in this manner.

Some Members of this body think that we legally can amend the Constitution. This, then, in itself places constitutional confliction on this legislation. We have in the organization of the U.S. Senate a Judiciary Committee to determine such matters. In the Judiciary Committee we have a Subcommittee on Constitutional Rights. The Judiciary Committee is made up of some of the most distinguished legal minds in the country, and, in my opinion, this proposed legislation should be referred to this committee for study.

Mr. President, the question is on whether or not this bill will be referred

to the Senate Committee on Rules or the Senate Judiciary Committee. It has been proven beyond question that this is a constitutional matter. In addition to that, there is a question that this is a legal matter. To say the least, it changes the statutes and, to tell the truth, it amends the Constitution of the United States. Under the rules of the Senate and the Reorganization Act it is clearly outlined that all matters relating to constitutional amendments, the revision of statutes of the United States, civil liberties, and, in fact, any other category that this proposed legislation could possibly fall into, must be referred to the Judiciary Committee. Nowhere can I find any authority for the reference of this type legislation to the Committee on Rules. It is obviously a proposal for a constitutional amendment, and no other committee in the Senate, in my opinion, has any authority in this matter.

In the interest of sound government I beseech that the Senators insist that this measure take the normal route, and refer it to the Senate Judiciary Committee. There is a grave constitutional question involved.

Mr. President, I ask that the article entitled "The Federal Right To Vote," from the Washington Post of January 29 be printed in the body of the RECORD following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 29, 1962]

#### THE FEDERAL RIGHT TO VOTE

Senate Majority Leader MANSFIELD is right in seeking to carry out the pledge of the Democratic Party in its 1960 platform "to eliminate literacy tests and the payment of poll taxes as requirements for voting," but he has chosen a method of doubtful constitutionality. The bill which the majority leader has introduced provides that a sixth grade education shall be the only literacy test for voters in presidential and congressional elections. It seeks to change by statute the qualifications for voters laid down in the Constitution.

The Founding Fathers appear to have left Congress no room for maneuver on this point. Article I, section 2, of the Constitution provides very pointedly that the electors (voters) in each State who are entitled to vote for Members of the House "shall have the qualifications requisite for electors of the most numerous branch of the State legislature." When the 17th amendment for the popular election of Senators was adopted in 1913 this precise language about the qualifications of electors was repeated. Congress does have authority to alter State laws prescribing "the times, places, and manner of holding elections for Senators and Representatives," but this carries no suggestion of any right to prescribe voter qualifications different from those specified in the Constitution.

It is significant that President Kennedy originally selected Senator JOSEPH S. CLARK and Representative EMANUEL CELLER to translate the Democratic platform on civil rights into legislative form and that last year they introduced a proposed constitutional amendment which would forbid the States to abridge the right of any citizen to vote because of failure to pass a literacy test. There may be good reason to object to the complete elimination of literacy tests. Nevertheless, amendment of the Constitution is the proper tool for effectuation of this reform.

Since a constitutional amendment appears to be necessary, there is a powerful argument for making it comprehensive enough to guarantee all citizens the right to vote without discrimination. Congress could sweep away the poll tax, all unduly restrictive educational requirements and any other obstructive devices by simply amending article I, section 2, and the 17th amendment so as to give itself full authority to fix the qualifications of voters in Federal elections.

Doubtless there was good reason to leave this question solely in the hands of the States in 1787. No such reason exists in 1962. Certainly a Government exercising the power and influence that are currently evident in Washington should have authority to determine who shall vote in its elections and to make its policies effective. It would be a mistake, of course, to write any kind of educational requirement for voting into the Constitution, but it would be wholly reasonable to assign to Congress the whole subject of voter participation in Federal elections, while leaving the States free to control their own elections.

An administration move along this broad front would be far more satisfactory, in our opinion, than an attempt to legislate on voter qualifications in the face of a specific constitutional mandate.

Mr. MANSFIELD. Mr. President, in reference to the queries that have been raised, I call the attention of Senators as a body to the fact that it is the responsibility of the combined leadership to schedule proposed legislation. The distinguished Senator from Illinois, the minority leader, and the Senator from Montana, who occupies the position of the majority leader, intend to continue to operate on that basis. We intend to be responsible for the handling of the business of the Senate and to do so in line with our commitments and with what we think will be in the best interests of the Senate.

In the absence of compelling reason to the contrary, it seems to me most desirable that this body follow orthodox procedures in considering matters which come before it. We introduced a measure having to do with literacy tests in connection with voting rights in Federal elections. The Chair has ruled that this measure should be referred to the Committee on the Judiciary.

It is within the right of every Senator to challenge a ruling of the Chair; but it is also within the right of every Senator to challenge the challenge. I do so for these reasons:

First, the operative part of the bill amends section 1971(b) of title 42 of the United States Code. This section bears the heading "Voting Rights—Race, Color, or Previous Condition Not To Affect Right To Vote." The right to vote, being based on article I, section 2, and the 15th amendment of the Constitution, is a constitutional right. Rule XXV of the Senate Rules provides that the Committee on the Judiciary shall have jurisdiction over civil liberties; and pursuant to that conferment of jurisdiction the Committee on the Judiciary has established a Subcommittee on Constitutional Rights. This subcommittee has in the past conducted extensive hearings in the field of voting rights.

Second, this bill amends a section of the code—1971(b) of title 42—which was

originally part of the Civil Rights Act of 1957—as title 4 of that act. The Civil Rights Act of 1957, which was H.R. 6127 of the 85th Congress, 1st session, was never referred to a Senate committee, but was instead placed on the Senate Calendar under the provisions of rule XIV. The proponents of this procedure recognized that, absent objections under that rule, the bill would have been referred to the Committee on the Judiciary.

Third, subsection (c) of section 1971, title 42, makes provision for an action by the Attorney General for preventive relief whenever a person or persons has deprived, or is about to deprive another of rights secured by subsection (b)—which is amended by this bill. Subsection (c) was the heart of the Civil Rights Act of 1960, which, in the form of H.R. 8601, was in fact referred to the Senate Judiciary Committee. Consequently the enforcement power for subsection (b) was referred to the Judiciary Committee—March 24, 1960.

Earlier in this Congress—to wit, on January 17, 1961—the Senator from New York for himself and 12 other Senators, introduced a bill to prohibit the application of unreasonable literacy requirements with respect to the right to vote. This bill, S. 480, was referred, without objection being raised by either its proponents or opponents, to the Senate Judiciary Committee. Examination of S. 480 shows that it is very similar to S. 2750. Indeed, a Senator reading both bills would be compelled to say that or if S. 480 were referred to the Judiciary Committee, S. 2750 should also be referred to that committee.

While the question of reference is not without its controversial aspects, it seems relatively clear that this bill should be referred to the Judiciary Committee under the injunction of the Legislative Reorganization Act that a bill should be referred to "that committee which has jurisdiction over the subject matter which predominates in such proposed legislation"—section 137.

It would seem to me, therefore, that in the interests of orderly procedure, the challenge to the Chair's ruling should be rejected, and this bill should go to the Judiciary Committee.

Mr. CURTIS. Mr. President, will the distinguished majority leader yield to me?

Mr. MANSFIELD. I yield to the ranking member of the Committee on Rules and Administration.

Mr. CURTIS. Mr. President, if it becomes the will of the Senate to refer the bill to the Committee on Rules and Administration, of course I will do all I can to provide adequate hearings.

In 1957, I supported the distinguished Senator from California, Mr. Knowland, in bringing to the floor the so-called Civil Rights Act, which was the first one in a long time.

However, today we are faced with quite a different problem—namely, the question of whether we shall vote to override the ruling of the Vice President and whether we shall take action contrary to the wishes of the majority leader, who has a definite responsibility for programing the work of the Senate.

I believe that the reasoning stated by the Vice President is well grounded, and I believe that a vote to overrule his ruling would not be justified.

I also place great reliance on the statement made by the majority leader, the Senator from Montana [Mr. MANSFIELD]. All of us know he will do what he has said he will do in regard to working out these matters in the future.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks, paragraph (D) of the rule pertaining to the jurisdiction of the Committee on Rules and Administration.

There being no objection, the excerpt from the rule (No. XXV) was ordered to be printed in the RECORD, as follows:

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

Mr. CURTIS. Mr. President, in my hurried study of this proposal, I find that the bill, as introduced, merely recites, in section 1, certain facts and grounds for legislation, and that the real meat of the proposal is in section 2. I doubt very much whether that falls in the category of a measure dealing with elections generally. It would amend a criminal statute providing punishment for interfering with the rights of other persons. It is not a proposal dealing with elections generally, their conduct, the times and places for holding them, and so forth.

Therefore, Mr. President, I shall support the ruling of the Vice President and the position of the majority leader in connection with this matter.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Nebraska, the ranking member of the Committee on Rules and Administration, for the statement he has made in support of the ruling made by the Chair.

Mr. President, it would be my hope that that committee would hold hearings on this measure promptly and report back promptly to the Senate. That is the responsibility of every committee on a matter of such significance, a matter which the administration is anxious for the Congress to consider. Members ought not to place themselves in the position of prejudging what other Members will or will not do. Certainly, I will not place myself in that position. It is my intention, as I said at the outset, to uphold orthodox procedure in this body, including the rulings of the Chair, in the absence of overriding reasons to the contrary. When such reasons clearly exist, then it would be my expectation that the bridge can be crossed when we come to it.

Mr. President, I urge the Senate to vote "nay" on the appeal from the Chair's ruling of referral.

Mr. President, at this time I yield back all remaining time available to me except 2 minutes; and I yield now to the Senator from Iowa [Mr. MILLER].

The VICE PRESIDENT. The Senator from Iowa is recognized.

Mr. SCOTT. Mr. President, will the Senator from Iowa yield to me?

Mr. MILLER. I yield 1 minute to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I support the position taken by the senior Senator from New York [Mr. JAVRS] and other Senators who have addressed themselves to this matter in support of his appeal from the ruling of the Chair.

Mr. MILLER. Mr. President, I support the position taken by the majority leader.

One point that has not been brought out in the course of this very excellent debate is that there is serious question regarding the constitutionality of the bill. In that case, it seems to me the Judiciary Committee, which has jurisdiction over such questions, should have an opportunity to determine whether, in fact, the bill is unconstitutional.

I do not condone for a moment discriminatory practices regarding the precious voting privilege; but that does not mean that this bill would take care of such discriminatory practices.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the excellent lead editorial published today in the Wall Street Journal. The editorial is entitled "The Voting Privilege." It points out some of the very serious problems which must be considered in that connection, and does a very good job in pointing out that literacy can be a very appropriate test for the voting privilege.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 30, 1962]

#### THE VOTING PRIVILEGE

Though some of our readers may be surprised to learn it, we are the possessor of an official certificate from the State of New York testifying that we can read.

We achieved this because New York requires every voter to be able to read the English language, and strangers within its gates are required to so prove by taking a test. The test takes only a few minutes and is quite simple. Though the incident resulted in some joshing from our friends, it never occurred to us that the State of New York was curtailing our civil liberties by assuring itself we could follow public issues in the native language before giving us the privilege to vote on the determination of those issues.

But now we are being told by the President of the United States, and a number of other political leaders, that it is a wicked thing to make literacy a test for voting.

This is, in fact, but the latest among a series of moves, all put forward in the name of democracy or civil rights, to challenge any and all requirements for voting which the Constitution allows the several States to establish.

Under assault is the requirement in some States that a voter must be a taxpayer; that is, at the very least he must pay a \$1.50 poll tax so that he must contribute something to the public funds before voting how to disburse them. Even the more general requirement that voters should have arrived at an age of maturity—at least be 21 years old—has been assailed as an infringement on the rights of teenagers.

The immediate cause of this latest attack on literacy requirements, of course, is the

unhappy fact that among some minority groups there is widespread illiteracy in English. Many Puerto Ricans cannot speak it, much less read it. Among Negroes the literacy rate is far below that of the general population. And as any Army recruiting officer can tell you, there are other people who can't read their native tongue well enough to understand the simplest instructions. The politicians' immediate interest is that all these add up to many potential voters who would be grateful to the politician who won them the voting privilege.

Yet there is more at stake in the argument than the sheer demagoguery of wooing mass voting blocs. What is being assaulted is the whole concept that responsible democracy rests upon responsible voters; the child, the moron, the illiterate, the ignorant, the man who contributes nothing to the commonweal, the voice of each of these should be counted equally with the voice of the literate, the educated, the intelligent, and the informed.

Society, in this view, must not be permitted to protect itself with even the most rudimentary rules to make voting a privilege of those who have at least an elemental understanding of, and make some contribution to, the society in which they are privileged to live.

It would be fruitless to remind those of this persuasion that the American experiment owes its success to the wisdom of those who, in drawing its basic Constitution, knew the dependence of democracy upon a responsible citizenry and wrote in many more voting restrictions than we today would dream of. The reminder would not be persuasive because, among those people, traditional wisdom is hooted at.

But anyone ought to be able to look around and ask a few simple questions.

We have in our own house two teenagers who are highly literate, well-educated for their age and intelligent enough to hold the promise of being good citizens. Yet what parent is so blind as not to see that in their teens the young are still groping, and that fully responsible citizenship requires an understanding that is not yet theirs?

Like many people in this age of travel we have moved from one community to another. And though we be officially literate, what responsible judgment could we bring to a mayoralty election or to a referendum on some civic question until we had lived a space in the neighborhood? That we be barred from voting until there is some presumption of understanding is not an infringement of our civil rights but a protection both for ourselves and for the community.

We have our opinions, to be sure, on the affairs of Italy and of France. But our halting French and our total ignorance of Italian ill prepares us for intelligent voting on the issues which trouble those countries. To say, in our own country, that fluency in Spanish or some other language prepares a man to understand our political issues is speciousness. So what then of a man literate in no language?

For an answer you need only look around at the world where emerging nations are struggling with the problem of creating ordered democracy among people who have not yet grasped—through ignorance or apathy—that responsible democracy requires a responsible citizenry. The simple truth, which we suspect every man with common-sense knows in his heart, is that voting ought to be a privilege to be earned and that society must place upon it some restrictions to protect itself against the mob and the demagogos who would prey upon it.

To cast a ballot is a proud thing, and as a nation we ought to work hard to make that possible for all. But the way to do it is to lift up the underprivileged and not to heed those who would debase the privilege.

Mr. RUSSELL. Mr. President, on the question of sustaining the ruling of the Chair, I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays have been requested. Is there a sufficient number?

Obviously there is a sufficient number; and the yeas and nays are ordered.

Mr. LAUSCHE. Mr. President, will the Senator from Montana yield 1 minute to me?

Mr. MANSFIELD. I have only 1 minute remaining under my control.

Mr. JAVITS. Mr. President, I yield 1 minute to the Senator from Ohio.

The VICE PRESIDENT. The Senator from Ohio is recognized for 1 minute.

Mr. LAUSCHE. Mr. President, I contemplate voting in support of the position taken by the Senator from New York. I shall do so on the basis that it is my judgment that the measure referred to deals predominantly with voting rights. It is a fact that as an incident of that treatment of voting rights, some judicial procedures are under discussion. But there can hardly be any bill which comes before the Senate which—regardless of its substance—does not have incidentally related to it penalties and proceedings in court.

On the basis of this statement, Mr. President, I shall cast my vote in support of the argument made by the Senator from New York.

Mr. JAVITS. Mr. President, I yield myself 1 minute, and then I shall be through.

The VICE PRESIDENT. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, I am impressed with the statements made by the Senator from Montana and the Senator from Illinois. I point out that here we shall be voting, in reality, on the question of the time and the opportunity for the Senate to act. I believe that if we consider all these arguments at their face value—I refer to the arguments as to what the Judiciary Committee will do and the arguments as to what the Senator from Montana will do—then Senators who take my view of the matter are in duty bound to vote to put this matter in the hands of the majority leader, in which case he will take into his own hands control of the proceedings both in that committee and, later, here on the floor of the Senate.

I honor his assurances, I am confident he is going to perform them, but I deeply believe we can perfect this procedure by sending this bill to the Rules Committee; and I hope the Senate will vote accordingly.

I yield back the remainder of my time.

The VICE PRESIDENT. The time of the Senator from New York has expired.

The Senator from Montana has 8 minutes—

Mr. MANSFIELD. Mr. President, I yielded back all my time except 1 minute.

The VICE PRESIDENT. The Senator yielded back all his time except 1 minute.

Mr. MANSFIELD. Mr. President, this debate has been quite illuminating. I hope the Senate will not sustain the appeal made by the Senator from New

York and will sustain the ruling of the Chair, which is based on parliamentary findings, in the reference of the bill to a certain committee of this body. I think if we were to follow the procedure advocated by the Senator from New York, the result, in time, would be chaos, so far as the administration of the Senate is concerned; so I hope the tried and true and right method will be used.

I therefore move to lay on the table the appeal of the Senator from New York.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana to lay on the table the appeal of the Senator from New York.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SMATHERS. I announce that the Senator from Connecticut [Mr. DODD], the Senator from California, [Mr. ENGLE], the Senator from Tennessee, [Mr. GORE], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Oregon [Mr. MORSE] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. MONRONEY] would vote "yea."

On this vote, the Senator from New Mexico, [Mr. CHAVEZ] is paired with the Senator from Minnesota [Mr. HUMPHREY]. If present and voting, the Senator from New Mexico would vote "yea" and the Senator from Minnesota would vote "nay."

On this vote, the Senator from California [Mr. ENGLE] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from California would vote "nay" and the Senator from Tennessee would vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], and the Senator from Kansas [Mr. CARLSON] are absent on official business.

The Senator from Maryland [Mr. BUTLER] and the Senator from Kentucky [Mr. COOPER] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] is absent on official business to attend the Eighth Meeting of Consultation of Ministers of Foreign Affairs of American States.

The result was announced—yeas 61, nays 25, as follows:

[No. 6 Leg.]

YEAS—61

Alken	Curtis	Holland
Anderson	Dirksen	Hruska
Bartlett	Dworshak	Jackson
Bennett	Eastland	Johnston
Bible	Ellender	Jordan
Burdick	Ervin	Kefauver
Byrd, Va.	Fulbright	Kerr
Byrd, W. Va.	Goldwater	Long, Hawaii
Cannon	Gruening	Long, La.
Case, S. Dak.	Hayden	Magnuson
Church	Hickey	Mansfield
Cotton	Hill	McCarthy

McClellan	Pell	Talmadge
McGee	Prouty	Thurmond
Metcalf	Randolph	Tower
Miller	Robertson	Williams, Del.
Moss	Russell	Young, N. Dak.
Mundt	Saltonstall	Young, Ohio
Murphy	Smathers	
Muskie	Sparkman	
Pastore	Stennis	

## NAYS—25

Beall	Hartke	Proxmire
Boggs	Javits	Scott
Bush	Keating	Smith, Mass.
Carroll	Kuchel	Smith, Maine
Case, N.J.	Lausche	Symington
Clark	Long, Mo.	Wiley
Douglas	McNamara	Williams, N.J.
Fong	Morton	
Hart	Neuberger	

## NOT VOTING—13

Allott	Cooper	Humphrey
Butler	Dodd	Monroney
Capehart	Engle	Morse
Carlson	Gore	
Chavez	Hickenlooper	

So Mr. MANSFIELD's motion to lay on the table was agreed to.

## LIMITATION ON STATEMENTS DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in connection with the morning hour be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

## APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair appoints the Senator from Texas [Mr. TOWER] a member of the Civil War Centennial Commission, vice the Senator from Nebraska [Mr. CURTIS], who has found it necessary to submit his resignation.

## EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

## REPORT ON REPROGRAMING OF CERTAIN FUNDS FOR RENOVATION OF MICHoud ORDNANCE PLANT, NEW ORLEANS, LA.

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., reporting, pursuant to law, its decision to reprogram certain funds for the renovation of the Michoud Ordnance Plant, New Orleans, La.; to the Committee on Aeronautical and Space Sciences.

## PROGRESS REPORT ON LIQUIDATION OF ACTIVITIES OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on the progress of the liquidation activities of the national defense, war and reconversion activities of the Reconstruction Finance Corporation, for the quarter ended December 31, 1961 (with an accompanying report); to the Committee on Banking and Currency.

## INTERIM REPORT ON RESEARCH PROGRESS AND PLANS OF U.S. WEATHER BUREAU

A letter from the Secretary of Commerce, transmitting, pursuant to law, an interim report on research progress and plans of the U.S. Weather Bureau, for the fiscal year 1961 (with an accompanying report); to the Committee on Commerce.

## AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO PRESIDENTIAL CONTROL OF TRANSPORTATION SYSTEMS IN TIME OF NATIONAL EMERGENCY

A letter from the Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize the President to take possession and assume control of transportation systems in time of national emergency (with an accompanying paper); to the Committee on Commerce.

## REPORT OF CIVIL AERONAUTICS BOARD

A letter from the Chairman, Civil Aeronautics Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the fiscal year 1961 (with an accompanying report); to the Committee on Commerce.

## PURCHASE OF UNITED NATIONS BONDS

A letter from the Secretary of State, transmitting, for the information of the Senate, a paper written by the Bureau of International Organization Affairs, dated January 19, 1962, relating to the proposed purchase by the U.S. Government of United Nations bonds (with an accompanying paper); to the Committee on Foreign Relations.

## AUDIT REPORT ON FEDERAL PRISON INDUSTRIES, INC.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Federal Prison Industries, Inc., Department of Justice, fiscal year 1961 (with an accompanying report); to the Committee on Government Operations.

## AUDIT REPORT ON PUBLIC HOUSING ADMINISTRATION

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Public Housing Administration, Housing and Home Finance Agency, fiscal year 1961 (with an accompanying report); to the Committee on Government Operations.

## REPORT ON REVIEW OF ADMINISTRATION OF FOREST MANAGEMENT ACTIVITIES BY PORTLAND AREA OFFICE, BUREAU OF INDIAN AFFAIRS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the review of administration of forest management activities by Portland area office, Bureau of Indian Affairs, Department of the Interior, dated January 1962 (with an accompanying report); to the Committee on Government Operations.

## REPORT ON EXAMINATION OF PROCUREMENT OF SPECIAL TOOLING FOR THE B-58 AIRPLANE PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of procurement of special tooling for the B-58 airplane program under Department of the Air Force negotiated cost-plus-incentive-fee contracts with Convair, a division of General Dynamics Corp., Fort Worth, Tex., dated January 1962 (with an accompanying report); to the Committee on Government Operations.

## AMENDMENT OF ACT RELATING TO CUSTOMS AND IMMIGRATION FACILITIES

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Act entitled "An act to provide better facilities for the enforcement of customs and immigration laws," to increase the amounts authorized to be expended (with accompanying papers); to the Committee on Public Works.

## REPORT OF ATOMIC ENERGY COMMISSION

A letter from the Chairman and members, U.S. Atomic Energy Commission, Washington, D.C., transmitting, pursuant to law, a report of that Commission, for the year 1961 (with an accompanying report); to the Joint Committee on Atomic Energy.

## PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

## By the VICE PRESIDENT:

A resolution adopted by the Sixth Guam Legislature; to the Committee on Interior and Insular Affairs:

## "RESOLUTION 249

"Resolution relative to respectfully petitioning and memorializing the President of the United States and the Congress of the United States for legislation to provide the territory of Guam with a locally elected chief executive

"Whereas the people of the territory of Guam have been living under American administration ever since the island's acquisition from Spain in 1898, and as a result of learning to live in an American run community, the people of Guam have been educated over the years in democratic practices and procedures and as they have learned of democracy and its ideals, the United States has generously opened up ever larger areas of public control, thus in 1950 granting U.S. citizenship and a locally elected legislature; and

"Whereas as part of the American administration of this territory, public education has been made available to all at no or little cost, our schools being fully accredited and our students accepted in mainland institutions with the result that our younger population has had the opportunity to be educated in democracy and in the principles of American self-government and with the further result that this educational process has made us all eager to assume even greater responsibility in the field of local government; and

"Whereas the proof of our devotion to the ideals of American democracy in which we had been educated and raised over the years is best given by the services rendered by so many of our young people in the Armed Forces of the United States both in peace and in war, these soldiers, sailors, and airmen fighting and dying not as mercenaries but as American citizens dedicated to the principles for which our country stands; and

"Whereas following the boon of American citizenship and a limited degree of self-government extended by the said Organic Act so generously enacted by the Congress of the United States, the people of Guam have demonstrated their adherence to the principles of American democracy both in the administration of their civil government and in the manner and conduct of their election contests, which leads the people of Guam to believe that they have established sufficient political maturity to enable them to request the privilege of electing their own Chief Executive; and

"Whereas Guam is aware that, traditionally, American territories as opposed to States are governed by an appointed Governor and an elected legislature in the interim before formal organization as a State and acceptance into the Union, but this pattern does not appear to be appropriate for this territory since no one locally expects or aspires to statehood and that therefore to continue with an appointed Governor while awaiting acceptance into the Union is deemed a forlorn hope as the likelihood of statehood is neither high nor even desirable; and

"Whereas in the recent past, various high officials, both of the executive and congressional branches of the Federal Government, have expressed the belief that Guam is ready to assume the responsibility of electing its own Chief Executive, which statements have been made a matter of record both in the territory of Guam and in our Capital, and which have led many of the residents of

Guam to hopefully anticipate the granting of such a privilege: Now, therefore, be it

*Resolved*, That the Sixth Guam Legislature, in view of the foregoing does hereby respectfully petition and memorialize the President of the United States and the Congress of the United States to initiate and enact legislation to provide the territory of Guam with a locally elected Chief Executive; and be it further

*Resolved*, That this resolution do also serve as a further acknowledgment and expression of gratitude on behalf of the people of Guam for the magnanimous grant of citizenship and limited self-government heretofore given to the territory; the sentiments of this resolution being in no way intended to criticize the United States of America and its Government for its direction and control over the affairs of this territory since its acquisition from Spain, but embodying a heartfelt request that in response to the attempts of the people of Guam to live up to the goals of American democracy, the further grant that the selection of the chief official of this territory be placed in the hands of the voters of Guam; and be it further

*Resolved*, That the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the President of the United States, to the President of the Senate, to the Speaker of the House, to the chairman of the Senate Interior and Insular Affairs Committee, to the House Interior and Insular Affairs Committee, and to the Governor of Guam.

"Duly adopted on the 22d day of January 1962.

"V. B. BAMBA,  
Legislative Secretary.  
"A. B. WON PAT,  
"Speaker."

A Declaration of Paris, adopted by the Atlantic Convention of NATO Nations, in Paris, on January 8, 1962; to the Committee on Foreign Relations.

A resolution adopted by the Ukrainian Congress Committee of America, Inc., of Detroit, Mich., relating to the observance of the 44th anniversary of Ukrainian independence; to the Committee on Foreign Relations.

#### RESOLUTION OF GENERAL ASSEMBLY OF RHODE ISLAND

Mr. PASTORE, Mr. President, on behalf of my colleague, the junior Senator from Rhode Island [Mr. PELL] and myself, I present, for appropriate reference, a resolution adopted by the General Assembly of the State of Rhode Island and Providence Plantations upon the death of Congressman Samuel Taliaferro Rayburn. This resolution was passed by the general assembly at the January session, A.D. 1962, and approved by the Governor on the 11th day of January 1962.

There being no objection, the resolution was ordered to lie on the table, as follows:

##### HOUSE RESOLUTION 1094

Resolution of the General Assembly of the State of Rhode Island and Providence Plantations upon the death of Congressman Samuel Taliaferro Rayburn, for 2 decades Speaker of the House of Representatives in Washington, D.C.

Upon November 16, 1961, there died Samuel Taliaferro Rayburn, for 2 decades Speaker of the House of Representatives in Washington, D.C.

He was 79 years old and had been a Representative from the Fourth District of Texas for 49 years. Pioneer "Sam" Rayburn was

one of the last of a generation of American politicians whose early life was spent in pioneer surroundings, settling on politics as a career early in life. His life revolved around the House and national politics. Long before he left Washington for the last time, he had said "I am satisfied. My political career has climaxed everything I ever hoped or trusted it might be, so that when I leave here I will leave without any regrets."

The Nation mourns his passing—one of the great leaders of all time—and in this evaluation of his highly specialized prestige, the General Assembly of the State of Rhode Island and Providence Plantations adds its acclaim; directing the secretary of state to transmit to the next of kin a duly certified copy of this resolution.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Louisiana:

S. 2762. A bill authorizing the modification of the general plan for flood control and other purposes on Red River, Tex., Okla., Ark., and La., below Denison Dam, Tex. and Okla.; to the Committee on Public Works.

(See the remarks of Mr. LONG of Louisiana when he introduced the above bill, which appear under a separate heading.)

By Mr. KEFAUVER:

S. 2763. A bill for the relief of Marie Karoline Dollar and Alex Peter Pedersen; to the Committee on the Judiciary.

By Mr. MAGNUSON (by request):

S. 2764. A bill to make the civil forfeiture provisions of section 222(h) of the Interstate Commerce Act applicable to unlawful operations and safety violations by motor carriers, and for other purposes; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. McCLELLAN (by request):

S. 2765. A bill to amend section 15 of the Administrative Expenses Act of 1946; to provide for regulation by the President of the employment of experts or consultants or organizations thereof; and for other purposes; to the Committee on Government Operations.

(See the remarks of Mr. McCLELLAN when he introduced the above bill, which appear under a separate heading.)

By Mr. FONG:

S. 2766. A bill for the relief of Mrs. Tom Pon Shee (also known as Tom Pon Ma Cheung); to the Committee on the Judiciary.

By Mr. METCALF:

S. 2767. A bill to amend title 23 of the United States Code relating to highways in order to require the approval of the Secretary of the Interior to surveys, plans, specifications, and estimates for projects on the Federal-aid highway systems for the purpose of protecting fish and wildlife and recreation resources; to the Committee on Public Works.

(See the remarks of Mr. METCALF when he introduced the above bill, which appear under a separate heading.)

By Mr. SPARKMAN:

S. 2768. A bill to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor; to the Committee on Foreign Relations.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

By Mr. LAUSCHE:

S. 2769. A bill for the relief of Renato Granduc O'Neal and Grazia Granduc O'Neal; to the Committee on the Judiciary.

#### RESOLUTION

#### PRINTING OF ADDITIONAL COPIES OF REPORT ENTITLED "STUDY OF ADMINISTERED PRICES IN THE DRUG INDUSTRY"

Mr. KEFAUVER submitted the following resolution (S. Res. 287); which was referred to the Committee on Rules and Administration:

*Resolved*, That there be printed for the use of the Committee on the Judiciary two thousand additional copies of Senate Report Numbered 448, Eighty-seventh Congress, first session, entitled "Study of Administered Prices in the Drug Industry", a report issued by the Committee on the Judiciary and made by its Subcommittee on Antitrust and Monopoly pursuant to S. Res. 52, Eighty-seventh Congress.

#### MODIFYING EXISTING AUTHORIZATION OF FLOOD CONTROL PROJECTS

Mr. LONG of Louisiana. Mr. President, sometime ago several necessary flood control projects were authorized by the Congress, but unfortunately up to this time they have not been accomplished because the language of the authorization required local contributions beyond the financial ability of the local people to meet.

It is my feeling that the language requiring these local contributions did not express the recommendation of the engineers who made the study, but rather it was a requirement that was added on as the project approached higher authority.

Every public works project which is authorized for construction contains certain provisions of local cooperation. All of these involve considerable expense to the people. These include the furnishing without cost to the United States of all lands, easements, and rights-of-way necessary for the construction of the project; frequently the construction at the expense of the local people of such things as bridges and approaches and the making of necessary relocations or alterations of public utilities required for the project; frequently the rehabilitation of drainage systems; and always holding and saving the United States free from damages resulting from the construction work and operating the works after the project is completed.

In my opinion, these things are sufficient to represent the contribution of the local interest and many times the fulfillment of these conditions is an expensive, laborious, time-consuming, and complicated process that must be completely undertaken before the actual construction can commence.

Accordingly, I am introducing a bill to remove local contribution factors from three authorized flood control projects: First, the McKinney Bayou project in Arkansas and Texas; second, the Manieco Bayou project in Arkansas; and third, the East Point project in Louisiana.

In my opinion, the adjustment of the authorizations of these projects along the lines recommended by this proposed legislation is necessary for the proper

progress of the work of flood control in the Red River Valley.

Mr. President, I introduce the bill and ask for its appropriate reference.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2762) authorizing the modification of the general plan for flood control and other purposes on Red River, Tex., Okla., Ark., and La., below Denison Dam, Tex. and Okla., introduced by Mr. LONG of Louisiana, was received, read twice by its title, and referred to the Committee on Public Works.

#### APPLICABILITY OF CIVIL FORFEITURE PROVISIONS OF INTERSTATE COMMERCE ACT TO UNLAWFUL OPERATIONS AND SAFETY VIOLATIONS BY MOTOR CARRIER

Mr. MAGNUSON. Mr. President, by request, I introduce, for appropriate reference, a bill to make the civil forfeiture provisions of section 222(h) of the Interstate Commerce Act applicable to unlawful operations and safety violations by motor carriers, and for other purposes. I ask unanimous consent that a letter from the Chairman of the Commission requesting the proposed legislation be printed in the RECORD.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2764) to make the civil forfeiture provisions of section 222(h) of the Interstate Commerce Act applicable to unlawful operations and safety violations by motor carriers, and for other purposes, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter presented by Mr. MAGNUSON is as follows:

INTERSTATE COMMERCE COMMISSION,  
Washington, D.C., January 25, 1962.  
The Honorable WARREN G. MAGNUSON,  
Chairman, Committee on Commerce,  
U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MAGNUSON: I am submitting herewith for your consideration 40 copies of a draft bill, together with a statement of justification therefor, which would give effect to legislative recommendation No. 4 in the Commission's 75th Annual Report.

We would very much appreciate your assistance in having this bill introduced and scheduling a hearing thereon.

Sincerely,

RUPERT L. MURPHY,  
Chairman.

#### RECOMMENDATION No. 4

This proposed bill would give effect to legislative recommendation No. 4 of the Interstate Commerce Commission as set forth on page 186 of its 75th annual report as follows:

"We recommend that section 222(h) be amended so as to (a) extend the civil forfeiture provisions therein to unlawful operations and safety violations by motor carriers, (b) permit the Commission to institute forfeiture actions directly in the courts, and (c) increase substantially the amount of the forfeitures prescribed."

#### JUSTIFICATION

The purpose of the attached draft bill is to provide the Interstate Commerce Commission with a more effective means of combating the spread of illegal and so-called "gray area" motor-carrier operations which are sapping the strength of the Nation's regulated common carrier system. It is also designed to aid the Commission in its stepped-up motor-carrier safety enforcement program.

Under existing law, procedures for dealing with certain motor-carrier violations are often slow and cumbersome, and frequently ineffective. Criminal prosecutions, for example, must be brought in the district in which the violations occurred. Thus, in the case of multiple violations by a carrier with extensive territorial operations, it may be necessary to institute separate actions in several district courts if all of the violations are to be covered. Civil forfeiture proceedings, on the other hand, may be instituted in the district in which the carrier maintains its principal office, where it is authorized to operate, or where it can be found. Moreover, less time is needed for investigating violations because of the difference in quantum of proof required in such proceedings.

Under the proposed amendment a civil forfeiture action could be brought against a for-hire motor carrier for transporting property without a required certificate or permit. Such action would be available whether or not the carrier had taken steps to give the operation an appearance of legality, but the principal enforcement advantage that would accrue would be when the operator, by means of an alleged vehicle lease or an alleged purchase of the commodity hauled, has attempted to give the operation an appearance of private carriage. More specifically, an owner of a vehicle may enter into a vehicle lease arrangement with a manufacturer, under which the manufacturer allegedly uses the vehicle in private carrier operations. Such arrangements range all the way from a bona fide lease of a vehicle, at one extreme, to the most obvious sham at the other. No enforcement action is, of course, involved in the case of a bona fide lease. The obvious shams, however, are the subject of criminal prosecution.

While there are a number of vehicle arrangements which the Commission believes to be illegal for-hire carriage by the vehicle owner, it is doubtful that a criminal conviction could be secured because of the necessity of showing knowledge and willfulness and proving guilt beyond a reasonable doubt. In addition, in a criminal proceeding there can be no appeal from an acquittal. Such cases are now handled in the civil courts, but an injunction against such operations in the future is all that can be secured. The possibility of a civil injunction action, where there is no pecuniary penalty or criminal stigma involved, has very little effect as a deterrent to would-be violators. A civil forfeiture action, such as that proposed, carrying with it substantial monetary penalties should, on the other hand, have a strong deterrent effect against questionable leasing arrangements.

Operations sometimes referred to as "buy and sell" operations are very similar in effect. By allegedly purchasing merchandise the transporter represents the operation to be private carriage. As in the case of leasing arrangements these operations have many variations, some of which present close questions as to whether the operation constitutes for-hire carriage. Some are obviously illegal for-hire operations and are handled as criminal cases. Others, however, are not so clearly unlawful as to warrant criminal action for the reasons stated above in connection with questionable

leasing arrangements, but which, in the Commission's view, are nevertheless unlawful. Such operations may be continued for substantial periods during the pendency of a civil injunction proceeding and before a cease and desist order is issued by the court. If the proposed amendment were enacted a number of these cases could be made the subject of a civil forfeiture action in which, if successful, the operator would suffer a money judgment or forfeiture.

Enactment of the proposed legislation would also greatly facilitate the Commission's enforcement activities in the important area of motor carrier safety. Although a very high percentage of cases involving violations of the Commission's safety regulations are disposed of by pleas of guilty or nolo contendere, investigations looking toward such prosecutions are nevertheless extremely time consuming because of the necessity of proving to the court every element of the alleged criminal offense. Since the quantum of proof required in a civil forfeiture proceeding is not as great as that required in a criminal action, a substantial amount of the time that must now be spent in preparing for criminal prosecutions in such cases could be devoted to handling a larger number thereof under the recommended forfeiture procedure.

The Commission's efforts at more effective and expeditious enforcement would also be greatly enhanced if it were authorized to institute forfeiture proceedings directly in the courts instead of proceeding through the Department of Justice as it is now required to do. Delays would be avoided not only by eliminating the mechanics involved in taking the extra step, but also by the elimination of such delays as may be caused by the time consumed in convincing the U.S. attorney that an action should be filed.

These proposed amendments, coupled with a substantial increase in the amount of the forfeitures prescribed, would strengthen the Commission's hand considerably in dealing with some of the principal factors contributing to the decline of regulated common carriers.

#### AMENDMENT OF ADMINISTRATIVE EXPENSES ACT OF 1946, RELATING TO PRESIDENTIAL REGULATION OF CERTAIN EMPLOYMENT

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, a bill to amend section 15 of the Administrative Expenses Act of 1946, to provide for regulation by the President of the employment of experts or consultants or organizations thereof, and for other purposes.

This bill is introduced at the request of the Director of the Bureau of the Budget, and is intended to provide general authority for the employment of individuals or organizations of experts and consultants; Presidential regulation of conditions under which individuals or firms may be procured, used, and compensated for such services, and to remove inconsistencies and confusion relative to the compensation of such individuals.

This draft legislation would place in effect the recommendations contained in the Bureau of the Budget's report on "Employment of Experts and Consultants in the Executive Branch," submitted to the Subcommittee on General Government Matters of the House Com-

mittee on Appropriations under date of January 16, 1961.

I ask unanimous consent that a letter addressed to the President of the Senate from the Acting Director of the Bureau of the Budget, dated August 31, 1961, which sets forth additional justification and background on this proposed legislation, be printed in the RECORD at this point as part of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 2765) to amend section 15 of the Administrative Expenses Act of 1946; to provide for regulation by the President of the employment of experts or consultants or organizations thereof; and for other purposes, introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on Government Operations.

The letter presented by Mr. McCLELLAN is as follows:

EXECUTIVE OFFICE OF  
THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., August 31, 1961.

HON. LYNDON B. JOHNSON,  
President of the Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: We are submitting the enclosed proposed legislation amending section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a) for the consideration of the Congress. This draft bill would provide: (1) general authority for the employment of individual or organizations of experts and consultants without the need for additional authority in appropriation or other acts; (2) Presidential regulation of the conditions under which individuals or firms may be procured, used, and compensated for such services; and (3) that all authorizations in other statutes for use of experts and consultants be subject to Presidential regulation issued under section 15 unless specifically exempted by statute. A section analysis is also enclosed with this letter.

This draft legislation would place in effect the recommendations contained in the Bureau of the Budget's report on "Employment of Experts and Consultants in the Executive Branch," submitted to the Subcommittee on General Government Matters of the House Committee on Appropriations on January 16, 1961. That report, a copy of which is enclosed, contains detailed justification for the proposed legislation.

The proposed bill would remove inconsistencies and confusions in connection with various authorities for obtaining the services of experts and consultants, and would authorize the President to establish general executive branch policy with respect to such services. The Bureau of the Budget recommends favorable action by the Congress on this draft bill.

Sincerely yours,

ELMER B. STAATS,  
Acting Director.

DRAFT OF A BILL TO AMEND SECTION 15 OF THE ADMINISTRATIVE EXPENSES ACT OF 1946; TO PROVIDE FOR REGULATION BY THE PRESIDENT OF THE EMPLOYMENT OF EXPERTS OR CONSULTANTS OR ORGANIZATIONS THEREOF; AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Administrative Expenses Act of 1946

(60 Stat. 810, 5 U.S.C. 55a), is amended to read as follows:

"(a) The head of any department may procure the temporary (not in excess of one year) or intermittent services of individual experts or consultants (including stenographic reporters) by appointment as employees of the United States without regard to the civil service or classification laws.

"(b) The head of any department may procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, as independent contractors and, except in the case of stenographic reporting services by organizations, without regard to advertising requirements of 10 U.S.C. 2304; section 3709, Revised Statutes, as amended (41 U.S.C. 5); section 302 of the Federal Property and Administrative Services Act of 1949, 63 Stat. 393, as amended (41 U.S.C. 252); or any similar law requiring advertising.

"(c) The President shall establish such regulations and require such reports as he deems appropriate relative to procurement, utilization, and compensation of the temporary or intermittent services of experts or consultants or organizations thereof under the provisions of this section or under any other law: *Provided*, That the compensation of individuals appointed under subsection (a) and contractors whose services are procured under subsection (b) of this section shall be reasonable by comparison with that paid them by other Government and non-Government clients, and by comparison with rates charged the Government by similarly qualified individuals or organizations."

Sec. 2. Any reference in any other Act to section 15 of the Administrative Expenses Act of 1946 (60 Stat. 810; 5 U.S.C. 55a), shall be construed to include the amendments to such section made by this Act.

PROPOSED AMENDMENT OF SECTION 15 OF THE ADMINISTRATIVE EXPENSES ACT  
SECTION ANALYSIS

Section 1: Subsection (a) of the amendment would authorize department heads to procure the temporary (not in excess of 1 year) or intermittent services of individual experts or consultants and individual stenographic reporters, by appointment as employees of the United States, without regard to the civil service laws or the Classification Act. It differs from the present provision of section 15 in that it permits appointment as temporary employees, it does not contain a legislatively imposed maximum rate of pay, and it does not require supplementary provisions in other general or appropriation acts in order to use the authority.

Subsection (b) would authorize the department heads to procure similar services of experts or consultants or organizations thereof, including stenographic reporting services, as independent contractors. Such services, except stenographic reporting services by organizations, could be obtained without regard to the other laws requiring advertising of contracts.

Subsection (c) would direct the President to establish such regulations and require such reports as he considers appropriate relative to the use of experts and consultants by the agencies. It would make those regulations applicable to expert and consultant services procured under this provision or any other act, to the extent consistent with each act. Such other acts would include the Federal Property and Administrative Services Act, the Armed Services Procurement Act, and other individual agency authorities. A proviso would require that the compensation of employees and contractors be reasonable by comparison with that paid them by other Govern-

ment and non-Government clients, and by comparison with rates charged the Government by similarly qualified individuals or organizations.

Section 2: This would provide that any reference in any other act to section 15 of the Administrative Expenses Act would be construed to include the amendments provided in section 1 of this act.

AMENDMENT OF TITLE 23, UNITED STATES CODE, RELATING TO HIGHWAYS

Mr. METCALF. Mr. President, I introduce, for appropriate reference, a bill to amend title 23 of the United States Code relating to highways, in order to require the approval of the Secretary of the Interior to surveys, plans, specifications, and estimates for projects on the Federal-aid highways systems, for the purpose of protecting fish and wildlife and recreation resources.

Highway construction is ruining many superb fishing streams. The problem which this legislation seeks to correct was well stated in a letter to me, dated January 9, 1962, from Director Walter J. Everin, of the Montana Fish and Game Department, in response to my request for information on stream damage, as a consequence of highway construction. Mr. Everin said:

As indicated by the enclosed reports we have made several requests to the Montana Highway Department that sections of proposed highways be rerouted to avoid damaging trout streams. To date we have not had a major request granted. The highway department has cooperated in saving a few natural stream meanders but only when there was no additional cost involved or the cost was negligible. In at least one instance a highway was routed into a trout stream to avoid the cost of moving a powerline.

Only on national forest land has adequate consideration been given to stream preservation during highway routing and construction. This is due, of course, to the fact that permits must be obtained before construction can be undertaken on national forests.

The basic problem is that by State law the highway department chooses the routes and makes decisions as to what considerations are important. There appears to be little question but that routing a highway up a stream valley is often the cheapest from the point of view of highway construction alone. Then, too, Congress has exerted pressure to keep Federal-aid highway construction as economical as possible.

The highway department maintains that the Bureau of Public Roads will not approve the additional costs involved in saving streams. We have been told that the highways could be built away from streams but that the public has given no indication of being willing to pay the extra costs.

Fishermen spent \$36 million pursuing their sport in Montana last year. In other words, fishing is important enough to the State's economy alone that it should not be allowed to dwindle away for lack of concern. Good fishing depends, more than anything else, on good habitat, that is, natural stream meanders, pools, riffles, clean water, etc. At least 75 percent of the trout creel in Montana originate from natural spawning. This is the fishing we are trying to protect from ruin due to stream alteration. Once lost it cannot be replaced.

Part of the answer, it appears to us, is legislation that will protect fish habitat when projects are built with Federal funds.

Eugene B. Welch, pollution control biologist for the Montana Fish and Game Department, concluded a recent study of changing fish habitat by stating that Montana trout streams "are slowly being eaten away by legitimate processes carried on under the guise of progress. Individually the losses do not appear great in most cases; however, grouped they are staggering."

In his report, "Destruction of Natural Fish Habitat Is Ruining Montana's Fishing Streams," November 15, 1961, Welch describes highway construction as the most destructive type of channel realignment. Welch reported that on 24 streams or segments of streams surveyed in 1961, 78.4 miles of original channel were lost. Meanders were cut off and the water diverted into new, shorter, straightened channels. The water velocity is thus increased and, in many cases, the stream bank—which has been cleared of vegetation—is eroded, causing sedimentation downstream.

This problem exists in many States. Welch reports that where there were once 1,200 miles of trout streams in the Black Hills of South Dakota, there are now only 160 miles remaining that will support trout. South Dakota biologists attribute the major portion of this loss to highway construction and the sediment pollution it produces. The President's Pollution Control Advisory Board considers highway construction as a major cause of sediment pollution and stream destruction. I shall place in the RECORD, following these remarks, an article concerning a controversy over road routing in Utah.

I hasten to point out, Mr. President, that Montana continues to furnish the best trout fishing in the world, in the Madison, Gallatin, Big Hole, Beaverhead, Yellowstone, Rock Creek—near Missoula—Spring Creek—which runs through Lewistown—and other streams.

Of course, we all want good roads. They are being built. But I am alarmed by the destruction of an irreplaceable resource, sport fishing streams, by road routing and construction. I hope, Mr. President, that this matter will receive the attention of the Congress this year.

Mr. President, I ask unanimous consent to insert, immediately following these remarks, the Welch report to which I have referred; an article, "Logan Canyon Portends National Road Implications," which appeared in the December 15, 1961, issue of Conservation News, published by the National Wildlife Federation; an article, "Detrimental Effects of Highway Construction on a Montana Stream," by Arthur N. Whitney and Jack E. Bailey, published in 1959 in Transactions of the American Fisheries Society; recent reports by the Montana Fish and Game Department on the effect of proposed interstate routes in the Dillon-Armstead and Helena-Wolf Creek areas of Montana; and the text of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the articles, reports, and bill will be printed in the RECORD.

The bill (S. 2767) to amend title 23 of the United States Code relating to high-

ways in order to require the approval of the Secretary of the Interior to surveys, plans, specifications, and estimates for projects on the Federal-aid highway systems for the purpose of protecting fish and wildlife and recreation resources, introduced by Mr. METCALF, was received, read twice by its title, and referred to the Committee on Public Works.

The articles, reports, and bill are as follows:

**DESTRUCTION OF NATURAL FISH HABITAT IS RUINING MONTANA'S FISHING STREAMS**

(By Eugene B. Welch, pollution control biologist, Montana Fish and Game Department, November 15, 1961)

What is happening to Montana's fishing? Is it declining because of increased fishing pressure? Or is it because the Fish and Game Department isn't planting enough fish? These two possibilities can be ruled out because about three-fourths of the fish caught are wild fish and in even the most heavily fished streams, the wild trout populations are underharvested. These facts have prevailed in the face of increased trout stocking.

Records show a sevenfold increase in the catchable trout stocking program over the 10 years from 1948 to 1958. With all of these fish being planted it would seem our streams would soon be full of trout and fishing would be getting better and better. Why doesn't this happen? Biologists have shown that habitat is the key to good trout fishing. That is, a stream must have adequate cover for trout, preferably brush and undercut banks which are formed by a meandering stream. The stream must have adequate spawning conditions—this means little or no sediment pollution. And adequate food conditions must prevail—which again means little or no pollution of any form (sediment, organic waste, pesticides, or industrial waste). Yes, trout are fussy, and if any of these ingredients for good habitat are missing, a desirable trout fishery, the type that lures anglers from all over the United States to Montana, will also be missing regardless of how many hatchery fish are planted. However, if adequate habitat is available, wild trout can maintain a fishery, in most streams, without stocking.

Realizing the extreme importance of Montana's wild trout fishery and the fact that two-thirds of the Montana anglers prefer stream fishing, what is being done to preserve these streams so they will produce trophy trout for future generations? Tourists are not attracted by large reservoirs with expanses of exposed mud flats—that is not the kind of trout fishing Montana is famous for. It is the productive trout streams like the Madison, Gallatin, Big Hole, Beaverhead, Yellowstone, and Rock Creek (near Missoula), to name a few, that have branded Montana as a famous trout fishing State. The reason they have been productive is because the right kind of habitat has been present.

What is happening to our trout streams? They are slowly being eaten away by legitimate processes carried on under the guise of progress. Individually the losses do not appear great in most cases; however, grouped they are staggering. What are these processes? They are as follows:

1. Channel realignment by highway construction, railroad construction, individual landowners, municipalities, and various Federal agencies. Highway construction is the most destructive.

2. Dewatering of the natural streams for irrigation. Without water it is not possible to raise fish. If only the flow is cut for one day—the protection is taken away from the fish revealing it to predators or else the fish dies from increased water temperature and oxygen reduction.

3. Sediment pollution from overgrazing, irrigation waste water, logging, or mine wastes. Sediment seals the fate of fish by decreasing reproduction and the food supply. It does not kill fish directly under natural conditions.

4. Other forms of pollution: industrial waste, pesticides, etc.

5. Stream bank destruction, such as brush removal, overuse by cattle, diking for flood protection, and bank stabilization with car bodies, steel riprap, etc. These all have the effect of removing the all-important cover from the bank which is necessary for trout.

How extensive are the processes of habitat destruction in Montana? How many miles of stream have been affected? To partially answer these questions we might look at highway construction and the impact it has had and will have on several streams in the State. Twenty-four streams, or segments of streams (see appendix), were surveyed during 1961 and were found to have lost at least 78.4 miles of their original channel to highway construction. Meanders were cut off and the water diverted into new, shorter, straightened channels. The water velocity is thus increased and in many cases the streambank (which has been cleared of vegetation) is eroded, causing sedimentation downstream.

What effect does straightening the channel have on the fish population, the water is still there even though the area is reduced? Studies have shown that as much as 94 percent of the fish 6 inches long and over can be eliminated from a section of stream that was straightened to follow the highway. Even if the stream is given several years to recover there are still only 4 catchable-size trout where there once were 10. The removal of brush cover (coincident with highway construction) has been shown to decrease or even eliminate a fish population.

South Dakota biologists have shown where there were once 1,200 miles of trout streams in the Black Hills, a renowned recreation area, there are now only 160 miles remaining that will support trout. They attribute the major portion of this loss to highway construction and the sediment pollution it produces. The President's Pollution Control Advisory Board considers highway construction as a major cause of sediment pollution and stream destruction.

A pilot study was run by the fish and game department on the Little Big Horn River in which all types of channel alteration were considered. A total of 54 miles (45 percent of the total length) of original stream channel were lost or altered to the point of being unsuitable for trout.

A few words might be said about stream improvement. Stream improvement devices have not been found to take the place of natural cover. Michigan has been the leader in this field and they have given up widespread use of improvement structures as too costly with too few dividends. They have gone to improvement of the entire watershed under the theory that a stream depends on a well-vegetated watershed in addition to an undisturbed flood plain and without them it is not possible to improve a stream. With a good watershed producing water of sufficient quality and quantity the natural meandering of the stream will create desirable trout habitat. Of course, the stream has to be allowed to meander. Michigan has chosen to treat the real cause rather than the symptom.

Montanans must take action if the valuable trout streams of the State are to be preserved. With proper consideration and direction our trout streams can remain in a natural, productive condition long after highways have come and gone. However, if highways are built at the expense of the trout stream, Montana will soon be holding

a postmortem similar to that on the now ruined trout streams in the Black Hills of South Dakota.

## APPENDIX

Summary of channel changes caused by highway construction on 24 streams surveyed in 1961

Stream	Nearest landmark	Miles of stream lost
North Fork, Blackfoot River	Ovando, Mont.	0.50
Bitterroot River	Florence, Mont.	1.00
Skalkaho Creek	Hamilton, Mont.	.37
West Fork, Bitterroot River	do.	.34
East Fork, Bitterroot River	do.	1.83
Bridger Creek	Bozeman, Mont.	1.00
Big Spring Creek	Lewistown, Mont.	1.80
Clark Fork River (below Drummond to Missoula)		21.17
St. Regis River	St. Regis, Mont.	12.00
West Gallatin River	Bozeman, Mont.	6.52
Little Big Horn River	Hardin, Mont.	1.78
Boulder River	Boulder, Mont.	3.70
Deep Creek	Townsend, Mont.	4.17
Sheep Creek	White Sulphur Springs	2.53
Belt Creek	Monarch, Mont.	4.40
Bison Creek	Boulder, Mont.	.45
Beaverhead River	Armstead, Mont.	.55
Do	Pipe Organ Lodge	1.62
Lower Prickley Pear Creek	Clancy, Mont.	2.15
Newlan Creek	White Sulphur Springs	.70
Otter Creek	Raynesford, Mont.	2.85
Prickley Pear Creek	Wolf Creek, Mont.	15.49
Cut Bank Creek	Browning, Mont.	1.25
Rocky Creek	Bozeman, Mont.	11.50
Total		78.40

<sup>1</sup> Proposed.

## LOGAN CANYON PORTENTS NATIONAL ROADS IMPLICATIONS

Regional Forester Floyd Iverson, when interviewed by TV newscasters about the refusal of the Forest Service to grant a permit to improve a highway in Logan Canyon, Utah, stated that the action could have national effects. A large segment of citizens would hasten to add beneficial effects. Mr. Iverson told the Utah Highway Department and the U.S. Bureau of Public Roads that his agency is under increasing fire from groups throughout the Nation who protest marring of the natural beauties of forest lands.

Thus a series of negotiations has come to an apparent plateau for the time being. The highway department and Forest Service have worked on plans to improve the highway and still retain the scenic beauties and fishing for which Logan Canyon is famous. News releases state the two agencies are about \$125,000 apart on a 4½-mile section of canyon highway. The meeting held on November 22 came to an impasse when neither side felt it could compromise further on the basic issues involved.

If authorities see fit to put the \$125,000 addition into the project, what then? Just this—it still ends up being a compromise as far as the scenic values and retaining proper conditions for fish life are concerned. The decision to allow even this much destruction is causing a wave of wincing among people who know the fragile nature and importance of trout streams. How firm can one stand in the way of progress and still be practical?

Details of negotiations in this case are difficult to report. According to press releases from Salt Lake City, the State highway commission has, in a period of weeks, changed its mind several times on how to handle this negotiation.

The Logan Canyon case may be a promise that whenever new or improved highway projects are contemplated on forest lands the Forest Service will resist pressures to insist on all of the numerous land uses being taken

into account. Increasing pressure for road rights-of-way, reservoir sites, energy and communication lines, public use areas, commercial operations, recreation facilities, and other uses will require increasing careful planning and long-range viewpoints so a hodgepodge of cluttered countryside will not occur on these Federal lands as is so often the case on lands where no such control exists.

It is reported that the State, with the blessing of the Bureau of Public Roads, in the planning figured about \$125,000 more to preserve the canyon's beauties and stream over what ordinarily would go into this road. Incidentally, three-quarters of the total road costs for this project will come from Federal funds. Without the Forest Service being in a position to require compromise, the additional funds for preservation probably would not have even been considered. Unfortunately, no such agency exists for most lands on which highways are being built. While many highways use lands not critical in nature and while roadside beautification is improving, attrition is still hardly the word to describe what is happening to many public values due to road building.

The Forest Service can take a firm stand in these matters only as long as the public is willing to support them. Using the words "in the public interest" rings off key when uttered by individual public servants without concrete visible verbal and written support from individuals and groups which constitute this public. Floyd Iverson and his staff deserve praise for the Logan Canyon position. It may influence road building on forest lands in many States.

## DETRIMENTAL EFFECTS OF HIGHWAY CONSTRUCTION ON A MONTANA STREAM

In 1955, it was learned that plans for highway improvement in Granite County, Mont., would involve some channel changes on Flint Creek. This stream is a tributary of the Clark Fork of the Columbia River. The fish population in several sections of Flint Creek had been inventoried annually each spring by electric shock census as part of a Federal aid investigations project (Montana F-13-R) initiated in 1954.

Flint Creek averages about 20 feet in width, 6 inches in depth. It has holes up to 4 feet deep, and has an average flow of about 15 cubic feet per second. In its original condition good trout cover was provided by overhanging willows and undercut banks (fig. 1). Rainbow trout (*Salmo gairdneri*), cutthroat trout (*Salmo clarki*), eastern brook trout (*Salvelinus fontinalis*) and mountain whitefish (*Prosopium williamsoni*) are the game fishes in this study area.

A 230-volt direct current portable generator, used for fish population census, was efficient at capturing approximately 90 percent of the large sized (6 inches total length and over) game fish present in Flint Creek, as indicated by recaptures of tagged trout. Sections of the stream to be shocked were blocked off with one-half-inch mesh seines placed a measured distance (usually 300 feet) apart.

The new highway construction was begun in the fall of 1956 and continued through the summer of 1957. A bulldozer was used to remove brush, scour the stream bed and straighten approximately 350 feet of the channel of Flint Creek (fig. 2). Such channel changes are common along new highway construction in mountainous terrain and affect many miles of stream each year in Montana.

Nearly the same 300-foot section of stream at the highway construction site was sampled each spring from 1955 through 1957. Fish taken in 1955 and 1957 were enumerated, weighed, measured, and recorded (table 1). Those taken in 1956 were counted and recorded only as over or under 6 inches in total length. All fish captured were re-

turned alive to the study area. Numbers of large sized trout captured were 75 and 69 in 1955 and 1956 respectively. Only six large sized trout were found in this section in 1957, after the channel changing phase of the highway construction had been completed.

The reductions shown in table 1 were 94 percent in both numbers and weight of large sized game fish. In small sized game fish (under 6 inches total length) these reductions were 85 percent in number and 76 percent in weight.

ARTHUR N. WHITNEY,  
JACK E. BAILEY.

TABLE 1.—Game fish captured by electric shocker from 300-foot section of Flint Creek, Mont., 1955 and 1957

Species	1955		1957	
	Number	Pounds	Number	Pounds
Large-sized fish:				
Rainbow and cutthroat trout	68	12.63	6	1.19
Eastern brook trout	7	3.86	0	0
Mountain whitefish	16	2.25	0	0
Total, large-sized fish	91	18.74	6	1.19
Small-sized fish:				
Rainbow and cutthroat trout	46	1.32	6	.26
Eastern brook trout	6	.17	2	.10
Mountain whitefish	1	.04	0	0
Total, small-sized fish	53	1.53	8	.36
Total, fish, all sizes	114	20.27	14	1.55

## SPORT FISHERIES RESOURCES AND THE PROPOSED INTERSTATE HIGHWAY BETWEEN MOUTH OF BELL CANYON AND BARRATTS SIDING

(Report by Montana Fish and Game Department, Helena, Mont., March 13, 1961)

The proposed route for the interstate highway in the Dillon-Armstead area involves several channel changes and other factors that will affect the fishery of the area.

One project (FAP-15-1 11-37) concerns that portion of the proposed road between S28, T9S, R10W and S9, T11S, R10W. This construction will require channel changes on the Beaverhead River in T9S, R10W, sections 28, 32, and 33. It is our understanding that this portion of the construction will be put up for bids within the next month. Therefore, it appears that the fish and game department was advised of this project too late for recommendations or suggestions that would reduce the loss to fish habitat in the Beaverhead River.

The plans show an interchange at the Clark Canyon damsite and another at the south end of the Red Rock Arm of the reservoir. Between these 2 points, a distance of 5 miles, there will be no way for a fisherman to get to the reservoir. Over \$1 million of the costs of the Clark Canyon Reservoir project are allocated to fish and wildlife benefits. Therefore every effort should be made to insure that adequate access to the reservoir is provided.

The proposed interstate highway between Pipe Organ Lodge and Barratts Siding involves extensive channel changing. Between stations 777 and 784 a 700-foot artificial channel will replace approximately 850 feet of streambed. The proposed route goes around the base of Pipe Organ Bluff and there is no reasonable way of avoiding this stream loss. A 700-foot change is also proposed between stations 973 and 980.

The most serious changes are between stations 852 and 937. The three changes in this area total 6,950 feet of artificial channel that will replace something over 7,000 feet (1.3 miles) of natural streambed. Part of the old streambed will be retained between stations 930 and 937 to provide drainage for

Grasshopper Creek. However, the quality of this portion of the channel for fish habitat will be greatly reduced. An alternate survey was made away from the river bottom between a point near station 820 and the mouth of Grasshopper Creek. This route would cause only one-fifth as much fish habitat loss as the proposed route; however, an evaluation by the highway department indicates it will be more expensive due to extra excavation and other work necessary to meet interstate highway standards.

Trout fishing in the Beaverhead River ranks high not only in Montana and the northern Rocky Mountain region but nationally as well. In fact, in a recent survey by a national outdoor magazine it was listed among the 100 best trout streams in the country.

The greatest importance of the Beaverhead River fishery lies in the fishing pressure it can absorb in future years. A combination of population increases, more leisure time, and better highways will result in greatly increased fishing pressures on Montana trout streams. Fish habitat must be preserved if the State and Nation's recreation needs are to be met.

It is anticipated that the Beaverhead River could easily support fishing pressures of 50 fishermen per mile each day or an annual total of 12,000 fisherman days per mile. Using the 1948-54 average fisherman expenditure of \$7.38 per day, gives this stream a potential value of nearly \$90,000 per mile per year. This is a minimum figure since this stream could support heavier fishing pressure and the estimated daily expenditure of \$7.38 is undoubtedly below present or future costs.

Due to the importance of the Beaverhead River, the Montana Fish and Game Commission requests every consideration be given to following the alternate route which stays out of the river bottom between station 820 and the mouth of Grasshopper Creek.

**THE EFFECTS ON FISH AND GAME OF PROPOSED ROUTES FOR THE INTERSTATE HIGHWAY FROM HELENA TO THE VICINITY OF WOLF CREEK, MONT.**

(Report by Montana Fish and Game Department, Helena, Mont., January 30, 1961)

A multi-million-dollar highway construction program is in progress in Montana. Good roads generally assist hunters, fishermen, campers, picnickers and others reach the site of their outdoor recreation. However, the quest for faster, better roads often results in the ruination of fish habitat in streams and, in the case of limited access highways, bars access to outdoor recreation areas.

The proposed interstate highway between Helena and the vicinity of Wolf Creek could cause excessive losses to fishing and hunting due to the possible location of a four-lane, limited access highway in Wolf Creek Canyon.

Information furnished by the Montana State Highway Commission indicates three possible routes for this highway. The west and middle routes follow closely along Prickley Pear Creek from Sieben through Wolf Creek Canyon. The east route crosses the Missouri River and follows the east shore of Holter Lake until it meets the present highway. This latter route would have considerably less detrimental effect on fish and wildlife habitat than the other two. Following are evaluations of the effects of these three highway locations on (1) fish and (2) game.

**COMPARATIVE EFFECTS OF THE THREE PROPOSED HIGHWAY LOCATIONS ON FISH**

The proposed east highway location would involve no loss of stream channel and could provide much improved access to Holter Lake and the surrounding recreational area. Over much of the proposed route this area is now accessible only on foot or horseback.

The middle route (the route most favorably considered by the highway commission) would destroy 4 to 6 miles of natural stream channel and greatly restrict access to the undamaged section of stream in Wolf Creek Canyon. The west route involves even more fish habitat destruction.

Two-thirds of the people fishing Montana waters prefer stream fishing to lake or reservoir fishing as indicated by their fishing habits. Prickley Pear Creek rates relatively high on the statewide stream evaluation. (Stream Classification Committee, 1959.) It is in the class III group, designated as of interest to a large portion of the State. There are only 3,900 miles of stream in Montana in this or a higher class. Most fishermen on Prickley Pear Creek are from Great Falls and Helena. This stream plus the Prickley Pear Creek through Clancy (which will also be subjected to severe fish habitat losses due to interstate highway construction) contribute a sizable amount of the stream fishing in this area.

A fish population study was conducted on the Prickley Pear Creek in Wolf Creek Canyon during the summers of 1949, 1950 and 1951 (Stefanich, 1952). Six 600-foot sections were randomly selected and found to have an average of 211 pounds of game fish per mile—a good population. The habitat was excellent for trout and whitefish except in relatively short stretches where it had already been destroyed by channel changing during highway and railroad construction. Observations in the sections studied, indicated that Prickley Pear Creek varied from 15- to 60-foot wide with maximum depths from 6 inches to 8 feet. There was a gradient of 41-feet per mile and the highest temperature recorded was 67° F. There was a good interspersed of pools and riffles with good cover provided by undercut banks and overhanging brush. Food production was good and adequate spawning areas were available.

Based on creel census estimates, 2,072 to 3,377 fishermen trips were made in the canyon in 1951 and again in 1952. This is about 230 fishermen per mile per summer. The U.S. Fish and Wildlife Service (Nicholson, 1957) estimated the average daily expenditure by cold water fishermen in the Missouri River Basin during the period 1948 to 1954 was \$7.38. Using this figure the 2,072 to 3,377 fishermen on the 12-mile stretch of stream spent \$15,291 to \$24,922 annually or approximately \$1,700 annually per stream mile.

The real value of Prickley Pear Creek lies in its potential as a fishing stream. The number of fishermen trips in the Nation and in Montana is expected to expand in the next few decades. In fact, in the past 10 years Montana fishing pressure has increased at about twice the rate of the general population increase. Increased numbers of fishermen coupled with destruction of many additional miles of fish habitat by dewatering, road construction, pollution, etc., will result in greatly increased use of all remaining fishing streams.

It is anticipated that Prickley Pear when managed for full utilization can furnish 6,400 man-days of fishing per mile each year. This estimate is based on present concentrations of fishermen on streams in more heavily populated States. Using the \$7.38 per day fisherman expenditure figure gives Prickley Pear Creek a potential annual value of approximately \$47,000 per stream mile. Either inflation or deflation could alter the potential annual value. It is anticipated that if the habitat of Prickley Pear Creek is maintained, the fisherman use will steadily increase from the present use to this full utilization.

An interstate highway through Wolf Creek Canyon has two possible routes (1) primarily east of the stream and (2) primarily west of the stream.

The east route through Wolf Creek Canyon would involve approximately 3,240 feet of channel change along with a serious reduction in access to the stream, parking areas, and picnic areas. This would greatly decrease recreational use of the stream. The access limitation could be alleviated if the old Mullan Road were reopened.

The west route through the canyon would result in 4 to 5 miles of additional channel change over and above that of the east route. These 4 to 5 miles would be in the most productive part of the stream. This channeling would reduce the fish habitat in the 12 miles of stream involved by at least one-half. Whitney and Bailey (1959) found that channel changes on Flint Creek due to highway construction near Philipsburg resulted in a loss of 94 percent (by number and weight) of game fish 6 inches and longer in affected stretches of the stream. Cutting the cottonwood trees along the river, as planned in connection with the west route, would reduce shade and cover important to fish life and to the recreation minded public. This route would probably involve a series of drops or dams in the stream to reduce the stream's velocity. Possibly these could be designed to permit fish passage and provide pools which would mitigate some of the fish habitat damage caused by stream straightening. It is anticipated that in time these pools would fill with sediment.

**COMPARATIVE EFFECTS OF THE THREE PROPOSED HIGHWAY LOCATIONS ON GAME**

Deer, elk, and mountain goats are the chief big game species found in the mountainous sections of the area between Helena and Wolf Creek. Important game birds are blue and ruffed grouse. Waterfowl, both ducks and geese, are commonly found on the section of Holter Lake adjacent to the east route.

Hunting is an important recreational activity in this area, particularly in the vicinity of Wolf Creek Canyon.

Difficulty in getting off the interstate highway to hunt big game and mountain grouse in the section between Sieben and Wolf Creek (Wolf Creek Canyon) would represent a definite wildlife management detriment in the selection of either the middle or west routes.

The exchange at the mouth of Lions Creek would aid in access to one of the more important hunting sections of the Wolf Creek Canyon area. A very substantial amount of the canyon area would still remain inaccessible, however.

Definite big game and game bird hunting benefits would be gained by the selection of the east route. A big game area of major importance on the east side of Holter Lake that is now definitely underharvested would be made much more accessible to sportsmen by the interstate highway. Waterfowl hunting on Holter Lake would become more important with improved access.

In summary, either the middle or west routes would seriously limit access to presently important big game and mountain grouse hunting areas in Prickley Pear Canyon.

Conversely, both big game and waterfowl hunting would be improved by the increased access made available in the construction of the east route.

**DISCUSSIONS AND CONCLUSIONS**

The route along Holter Lake is by far the most desirable from the outdoor recreation viewpoint. Improved access would be provided to an area that now has very limited access, and greatly increase the use of Holter Lake as a recreation area. Even more important, damage to Prickley Pear Creek and the reduction of access to hunting could be avoided.

The Highway Commission is dedicated to the policy of building the best roads possible at least cost. This often means straight routes through narrow canyons

which crowd formerly valuable streams into sluice-like runs of little value to fish life. Wildlife and esthetic values in this program, we feel, have not been given sufficient consideration. Roadbuilders should assume a responsibility toward maintaining certain other values when considering the routing of highways.

Funds financing roadbuilding come from the same public that enjoys outdoor recreation. In Montana one-third of the population fishes or hunts. There is no estimate of how many others simply enjoy esthetic values such as the beauty of a natural trout stream.

Due to serious wildlife losses the Montana Fish and Game Department takes the stand that the interstate highway between Helena and the vicinity of Wolf Creek should not be routed through the Wolf Creek Canyon.

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 106 of title 23 of the United States Code, relating to surveys, plans, specifications, and estimates for the Federal-aid highway systems, is amended by inserting at the end thereof a new subsection as follows:

"(d) (1) All surveys, plans, specifications, and estimates submitted to the Secretary under this section shall be submitted by the Secretary to the Secretary of the Interior, and the Secretary shall not approve any project under this section until the Secretary of the Interior approves the surveys, plans, specifications, and estimates for such project as being satisfactory in the interests of conserving fish and wildlife and recreation resources in the area of the project.

"(2) In order to carry out his functions under this subsection the Secretary of the Interior (A) may conduct such investigations, surveys and research projects as he deems necessary, and (B) shall consult with and give consideration to the recommendations of the appropriate agencies of the State submitting such project.

"(3) Funds made available under the provisions of section 104(a) for administration and research shall also be available for investigations, surveys, and research carried out by the Secretary of the Interior under this subsection."

#### AUTHORIZATION AND PURCHASE OF UNITED NATIONS BONDS

Mr. SPARKMAN. Mr. President, at the request of the administration, I am introducing a bill to authorize the appropriation of up to \$100 million for the purchase of U.N. bonds.

This bill will be given careful study by the Committee on Foreign Relations. On behalf of Chairman FULBRIGHT, I announce that 1 week from today on

Tuesday, February 6, public hearings by the committee will commence at 10:30 a.m. in room 4221 in the New Senate Office Building. The first witness will be the Secretary of State. Persons interested in appearing before the committee should give notice to the clerk of the committee.

For one to understand fully the current financial crisis of the U.N. requires the study of many financial records, tables of assessments, accounts payable, and the like. The staff of the committee and that of the House Foreign Affairs Committee have been working with the Department of State to compile in a convenient committee print factual information which is pertinent to this bill. This material will be available for distribution sometime next week.

The U.S. representative to the U.N. voted last December with the large majority of nations which approved the U.N. Secretary General's three-point plan to relieve the deficit of the organization. In his state of the Union message on January 11, President Kennedy announced that he would ask the Congress to approve participation by the United States in a special plan to finance the expenses for the U.N. operation in the Congo and for the U.N. Emergency Force in the Middle East for a period of 18 months beginning June 30, 1962. Today the President transmitted to the Congress a special message explaining and justifying the bill which I am now introducing.

Thus, Mr. President, for several months there has been much discussion of the so-called U.N. bond issue. Some have taken this opportunity to review the history of the U.N. and to weigh its prospects. No doubt the Committee on Foreign Relations will examine many aspects of the functions of the U.N. I for one welcome a broad assessment of the work of the U.N. and the worth of this institution to the United States and to all nations.

In 1945 when the Senate was considering the question of the adherence to the Charter of the U.N., I believe that only two negative votes were cast. Since that time both Democratic and Republican administrations and Congresses have given strong support, financial and otherwise, to the U.N. President Kennedy in his message today recounted some of the past crises which the U.N. has gone through. I suspect that there exists among the people of the United States today a large reservoir of good will and support for the United Nations organization.

This bill, Mr. President, symbolizes the turning point to which the U.N. has come. Are members of the U.N. willing to pay the cost of having the organization carry out the peace-keeping operations which the organization has decided to undertake? Some members have been dodging their responsibilities. The United States has lived up to its responsibilities. The question now is whether the United States should help to buy a little time so that a sufficient number of other members of the organization can close the gap between their demands upon the United Nations and their financial support of the United Nations.

The VICE PRESIDENT. The bill will be received and appropriately referred.

The bill (S. 2768) to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor, introduced by Mr. SPARKMAN, was received, read twice by its title, and referred to the Committee on Foreign Relations.

#### EXTENSION OF TIME FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time for filing the report of the Committee on Labor and Public Welfare called for by Senate Resolution 86, 87th Congress, 1st session, be extended from January 1 to February 28, 1962.

The VICE PRESIDENT. Without objection, it is so ordered.

#### NATIONAL PATENT POLICY IN GOVERNMENT CONTRACTS—REFERENCE OF BILL TO COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

Mr. ANDERSON. Mr. President, yesterday the senior Senator from Wisconsin [Mr. WILEY] introduced the bill (S. 2754) to establish a uniform national policy concerning rights to inventions under contracts with the U.S. Government. Since the bill involves the Space Committee and other committees of Congress, I discussed the question with the majority leader, the minority leader, and the sponsor of the bill. I ask unanimous consent that when the Judiciary Committee finishes considering the bill that it be referred to the Committee on Aeronautical and Space Sciences.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### COLLEGE ACADEMIC FACILITIES AND SCHOLARSHIP ACT—AMENDMENTS

Mr. LAUSCHE submitted amendments, intended to be proposed by him, to the bill (S. 1241) to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize scholarships for undergraduate study in such institutions, which were ordered to lie on the table and to be printed.

#### DEPARTMENT OF URBAN AFFAIRS

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial from the Richmond Times-Dispatch of Tuesday, January 30, entitled "No Urban Portfolio Needed."

I am in full sympathy and accord with the views expressed in that editorial and hope very much that the Senate will vote to disapprove a plan to create a Department of Urban Affairs.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### NO URBAN PORTFOLIO NEEDED

The otherwise clear-cut question whether this country needs a Department of Urban Affairs at Washington has, unfortunately, been obscured by the controversy over whether Robert C. Weaver, a Negro, should head the Department. Let's forget about Dr. Weaver—at least for the moment—and address ourselves to the issue of whether it is desirable to establish another huge Department of the Federal Government, headed by a man with Cabinet rank.

If the people of this country want to take another giant step in the direction of surrendering control of their local affairs to the National Government, they will support the creation of this new Department. If however, they want to retain control over what is left to them in this area, they will oppose the setting up of this Cabinet position with all their might.

A recent article in Nation's Business says, with much reason:

"By establishing a direct line of communication from the mayor's office to the center of the Federal Government, it would soon become the most powerful and expensive Cabinet post. The authority of Governors, State legislatures and other local levels of government would be demolished.

"Although the backers of the proposed Department put most of their stress publicly on the need for Federal coordination, planning and research, they have in recent years been in the forefront of every fight to enlarge present Federal welfare programs—housing, urban renewal, community facilities, water treatment plants, airports and schools. They have battled vigorously to get Uncle Sam deeply involved in dozens of new areas."

And that is exactly what will happen, if this Department is set up in Washington. Furthermore, it is nonsense to say that no existing Cabinet officer is concerned with urban affairs, and that the cities ought to have a member of the Cabinet who can provide guidance in the solution of their problems. Actually, such members of the Cabinet as the Secretary of Health, Education, and Welfare and the Secretary of Labor are largely concerned with the problems of the thickly populated areas.

Opponents of the bill point out that if further attention to such regions is needed, it can be provided by a coordinating official in the Budget Bureau or White House, without any huge bureaucracy set up to lobby for new spending.

Both the Governors' conference and the National Association of County Officials have expressed themselves in opposition to the proposed new Department of Urban Affairs. They feel that it would tend to destroy remaining functions retained by States and localities.

So there are plenty of valid reasons for opposing this proposal, wholly aside from the identity of its executive head. President Kennedy has made what is generally conceded to be a political 10-strike by announcing that Robert C. Weaver will be appointed to the post. All who oppose the new Department are thus put in the false position of being racists or white supremacists, since Dr. Weaver is a colored man. They are also charged with being against doing anything for the urban areas.

This may place the Republicans and some Democrats on the spot politically. On the other hand, the New York Daily News, with the largest circulation in the United States, has accused President Kennedy of "using Weaver in a bald and brassy effort to buy Negro votes," and it adds that he thereby "insults the intelligence of Negro voters." The paper went on to say that creation of the

projected Department "would freeze a new horde of bureaucrats onto the Federal payrolls and the taxpayers' backs," and in all likelihood would "encourage cities to crawl to Washington for solutions of problems they should solve on their own."

The creation of this Department must be defeated, if the steady encroachment of the Federal Government into local and State affairs is to be halted.

#### THE PHILADELPHIA BANK MERGER CASE

Mr. ROBERTSON. Mr. President, we have all been reading and hearing a great deal in recent weeks and months on the subject of the relation between the antitrust laws and banking, especially bank mergers and the Bank Merger Act of 1960.

One of the most important developments in this field was the decision of Chief Judge Clary of the U.S. District Court for the Eastern District of Pennsylvania, handed down on January 15, 1962, in the case entitled "United States of America against The Philadelphia National Bank and Girard Trust Corn Exchange Bank."

The proposed merger had been approved by the Comptroller of the Currency under the Bank Merger Act. The Justice Department sued for an injunction against the merger, alleging that it violated section 1 of the Sherman Antitrust Act and section 7 of the Clayton Antitrust Act. The Judge denied the request for an injunction and dismissed the Justice Department suit.

This is the first decision involving the Bank Merger Act. It is the first decision involving the relation between the Bank Merger Act and the so-called antitrust laws. It is, as far as I am aware, the first decision under the Sherman and Clayton Acts dealing with a bank merger by consolidation, as distinguished from a stock acquisition.

The trial of the case was extensive, and Judge Clary wrote a thorough and comprehensive opinion which I think it is appropriate to call to the attention of the Senate. I should like, in addition, to make a few comments with respect to Judge Clary's decision.

Judge Clary first held that the approval of the merger by the Comptroller under the Bank Merger Act did not preclude a review under the antitrust laws. In other words, he held that the Bank Merger Act did not, in and of itself, supersede the antitrust laws with respect to bank mergers approved under it.

Judge Clary next considered whether section 7 of the Clayton Act applied to a bank merger not accomplished by a stock acquisition, and he held that section 7 was not applicable. This agrees with the position taken by the Banking and Currency Committee on several occasions, including our report on the Bank Merger Act in 1959, and it agrees with the position taken by Judge Barnes in 1956, Attorney General Brownell, and Judge Hansen in 1957, Deputy Attorney General Walsh in 1959, and Acting Assistant Attorney General Bicks in 1960.

Judge Clary went on to consider the facts of the merger as explained at the

trial before him and considered the application of section 1 of the Sherman Act and section 7 of the Clayton Act—on the assumption that it was applicable. The opinion contains an interesting discussion of the product market or line of commerce and the geographic market or section of the country which must be found for purposes of section 7 of the Clayton Act. Judge Clary also examined the question of competition and the effect of the merger upon competition, and came to the conclusion that there was no reasonable possibility that competition, either in Philadelphia itself or elsewhere in the country, would be lessened or that the merger would tend to create a monopoly in the Philadelphia area.

Accordingly, the complaint was dismissed. I understand that the Justice Department has not yet decided whether to appeal.

Judge Clary did not discuss in the course of his opinion the question which I raised, in the remarks I made on the Senate floor on July 20, 1961—the question whether the Sherman Act is applicable to banking in general or to bank mergers in particular. In view of his decision, it was not, of course, necessary for Judge Clary to take up this point.

In my remarks on July 20, I pointed out that the assumption that the Sherman Act applies to banking and to bank mergers is based on a seven judge decision in *Southeastern Underwriters Association* case (322 U.S. 533), holding that insurance is subject to the Sherman Act. I pointed out that Mr. Justice Frankfurter dissented, along with Chief Justice Stone and Mr. Justice Jackson, on the ground that in 1890 it was universally considered that insurance was not commerce and, therefore, the Sherman Act did not apply to insurance. I pointed out that in 1890 every lawyer, including Senator Sherman, knew that banking was not commerce because the Supreme Court had said so in a long line of cases beginning in 1850. I questioned, when a case involving the applicability of the Sherman Act to banking might come before the courts, and eventually before the Supreme Court, whether the courts would follow the four judges who formed the majority in the *Southeastern Underwriters Association* case, or whether they would follow the views of the three judges who dissented, whose views were in my judgment adopted by the Supreme Court in the Supreme Court's decision in *Toolson v. New York Yankees, Inc.* (346 U.S. 356). In that case the Court took the position that, if there was to be a reversal of 30 years of practice under the Sherman Act, in effect an amendment to that act, the Congress should make the change and not the Court.

I believe that Judge Clary's opinion in the Philadelphia case is an important landmark in the field of banking law. I believe Senators will want to examine the full opinion carefully in order to know the exact facts and the exact rulings which Judge Clary has made. I ask unanimous consent that a few brief excerpts from the opinion be inserted in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

The Government here has brought an action—the first of its kind—to prevent the merger of two strong Philadelphia banks, and on the ground that this merger will (1) violate the Sherman Act by restraining trade, and (2) violate the Clayton Act by lessening and/or destroying competition and tending toward a monopoly. The court believes that the Government's general theory of the case should be set out in brief, broad outline before coming to the specifics.

The Government's case was predicated upon the premise that the banks involved were legally restricted to having offices in geographic limits. Starting with that assumption, the Government introduced a wealth of statistical data, the accuracy of which has not been questioned, which would show that a very large percentage of the deposits and loans originated in the restricted geographical area. Based strictly upon this premise, and applying the principles heretofore enunciated in industrial cases, the Government argues that these percentages are all persuasive, show a high degree of concentration of the market involved, and that it is therefore the duty of the court to prevent this clear, apparent restraint of trade, destruction of, or restriction of competition, and tendency to monopoly by prohibiting the merger.

The court accepts the statistics introduced as showing exactly what they demonstrate on the figures used, but, as will be pointed out later when discussing the specifics, refuses to accept the conclusions which the Government asks the court to draw.

In support of its contention that this merger is illegal, the Government attempted to show by the testimony of two university professors that the merger would have a profound adverse effect upon the banking system of this area, actually restrict credit, and permit price fixing for banking services. This attempt was far from successful. The professors had individual theories of the effect of the merger on the monetary system of the United States and of this area, which were completely destroyed on cross-examination, particularly as relating to the Philadelphia situation.

The Government also attempted to establish, by opinion testimony of smalltown bankers, that the contemplated merger would adversely affect not only the banking situation in Philadelphia, but generally throughout the country, including their own small towns. Their testimony was practically a rehash of the testimony they gave before both the House and Senate committees considering the Bank Merger Act of 1960. There they strongly urged the Congress of the United States to forbid further bank mergers and to maintain the status quo of the banking system of the United States. They attempted to have Congress limit prospective mergers to the very narrow situations where economic necessity would make a merger absolutely imperative.

For example, they conceded that where a bank was on the verge of insolvency, a merger should be permitted with a strong solvent bank for the protection of depositors and the general public. They also agreed that where ineffectual management was demonstrated, again it would be in the public interest to merge the bank with a strong progressive bank, again for protection of depositors and the public. With these two and other minor exceptions, not necessary to outline here, they fought vigorously to have the Congress absolutely forbid all other mergers. This the Congress refused to do, and, in the opinion of this court, properly so.

Commercial banking, despite the attempt of the Government in this case to have the court consider it an ordinary line of commercial endeavor, comparable to the ordinary industrial organizations, is a specialized branch of what the court chooses to term the financial industry. It is completely regulated. It may not, as an industrial plant might, establish a branch of operations where it pleases. By virtue of both State and Federal authority, it must keep its assets liquid, as will be hereinafter discussed. It may charge for its principal services (lending of money) a maximum prescribed by law. It may not pay interest on demand deposits and is limited by law to the amounts which it may pay for savings or time deposits. It may not go out and buy raw materials and manufacture products and attempt to extend its market. Its stock in trade is money and the only way that it can generate its stock in trade—money—is to create demand deposits which it may lend to individuals, corporations, or organizations. It is the commercial bank, even though strictly regulated, which comprises the backbone of the monetary system of the United States. To place it in and consider it as part of the commercial and industrial field, as contrasted with the financial, would be to ignore the realities of the situation.

Both the Government and the defendants have, in support of their respective contentions, cited the only antitrust case law available and all such cases were decided under the Sherman and subsequent acts. All involve only commercial and industrial organizations. While the court recognizes the validity of the broad principles of law therein enunciated, it certainly does not follow that those principles should be applied with the same force and effect to a regulated industry as to one in the so-called "free enterprise" field. The Congress of the United States has, in fact, in the industrial and commercial field, usually exempted regulated industries from the application of the antitrust law and in the public interest.

It is significant to note that in the Bank Merger Act, the Congress of the United States has included as one of the controlling elements, and an important one, for consideration in the determination of governmental approval of bank mergers, that same public interest. This court does not believe, as the Government would have it, that this was a mere passing reference without practical significance and actually completely irrelevant to a decision of this case, but, on the contrary, feels that the inclusion of this public interest concept is an important element in the congressional approach to monetary regulation.

In summary, it can be said that although the merger will increase concentration to the percentage figures given, the merged bank would have no power to control the price and supply of credit, nor could it dominate the market in any manner. And, although a direct substantial competitor will be eliminated, the only competent testimony upon the subject establishes that competition will be more vigorous after the merger. Also, although the commercial banking field is not an easy one to enter, it cannot be concluded that a new bank will not be established in the four-county area in the future. Finally, although the defendants have engaged in prior mergers, these mergers have had valid business purposes as the motivating force.

Viewing all this collectively, the court can see no reasonable probability that competition among commercial banks in the four-county area will be substantially lessened.

Moreover, it is difficult to perceive a reasonable probability that this merger will

tend to create a monopoly in commercial banking in the four-county area. Certainly, every time one bank in an area is eliminated, the path toward an eventual monopoly or oligopoly is shortened. This can be said for the most insignificant combination. But this does not mean that a monopoly is inevitable.

Especially is this true in the area of bank mergers. Every future merger in the four-county area will be subject to the close scrutiny of the appropriate State and Federal agency. At some point any trend, if discernible in the future, will be checked. Although some of plaintiff's witnesses, for the most part independent bankers from smaller communities throughout the country, were of the opinion that approval of this merger would trigger others in the four-county area, as well as the remainder of the United States, this court is not prepared to concur. The competitive situation that exists in the four-county area, with the many alternatives available to a prospective customer, leads to the inescapable conclusion that any tendency to monopoly or oligopoly at this stage is nonexistent. What happens in the future must be left to the appropriate Federal banking agency, and, if necessary, to another court at another time. All that is being said is that this particular merger will not tend to create a monopoly.

\* \* \* \* \*

RÉSUMÉ

As before stated, this is the first action tried after the passage of the Bank Merger Act of 1960. The controversy inherent in the case between coordinate branches of the executive department of Government is to be regretted. Congress, in passing the Bank Merger Act, deliberately fixed the responsibility of approving or disapproving proposed mergers of national banks in the Comptroller of the Currency. This responsibility was fixed despite vigorous protests of individual bankers and the Department of Justice. The Comptroller of the Currency then, by act of Congress, was of necessity required to consider the reports of the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Attorney General, with respect to the competitive factors involved. All three of these Departments of Government reported that in the opinion of their experts, the consummation of the proposed merger would adversely affect competition in the Philadelphia area. The Federal Deposit Insurance Corporation concluded that the merger would not be adverse in the regional, national and international field of competition. With these reports available to him, and after considering them, the Comptroller, in pursuance of his statutory duty, reviewed them and despite their content, approved the merger as not involving undue concentration of banking power, not tending toward a monopoly, not destructive of competition in the commercial banking field, and definitely in the public interest. The court, after a full trial, agrees completely with the conclusions of the Comptroller of the Currency.

This is one of the few instances in which one department of the Government, after having been consulted and its advice not being followed, has challenged in the court the findings of a coordinate department of the executive branch of the Government on the basis of disagreements between departments of our Government. And what is the expertise of these three dissenting coordinate branches of the executive department that prompted this challenge? The courts have uniformly held that once Congress has reposed its confidence in the expertise of a particular department, the courts should not substitute its judgment in the place and stead of the department involved. The Government has asked this court, without the production of a single shred of evidence,

and on the basis of reports no more illuminating than that of the Comptroller of the Currency, to give legal effect to the conclusions of the dissidents, rather than the department charged with the responsibility.

This court fails to see how any court, without some factual basis being laid therefor, could accede to any such request and this is all the more true in this particular case where experienced, substantial bankers throughout this entire area have appeared in open court, subjected themselves to searching cross-examination, and have unanimously demonstrated that the proposed merger would not cause an undue concentration of banking, would not tend toward a monopoly, and definitely would increase the vigor of competition which the Congress of the United States from the passage of the Sherman Act down to the present date has, by law, attempted to foster.

The court was not impressed with the attempts of the Government to show that banking is of minor importance in the life of a community generally and of almost absolute unimportance in the business life of the community. The Government, in its attempt to establish this contention by testimony that no single particular individual industrial organization had ever entered a particular territory because of the presence or absence of banking facilities, has ignored the industrial history of the United States. Should one ever speculate as to whether any industry would enter a community without banking facilities, the answer would be completely obvious. Historically, banking facilities have preceded industry in every community.

The Government also attempted to show that by combining the lending limits of all Philadelphia banks, borrowers in the larger categories could be well accommodated. This ignores again the realities of the situation and the positive testimony that in the larger industries, there is a decided reluctance on the part of financial officers to be made the subject of participating loans. With the originating bank, there is also an aversion to these loans as it requires considerable negotiation and technical handling which is to be avoided wherever possible.

The evidence demonstrated beyond peradventure of doubt that the Philadelphia area, plus parts of Delaware and New Jersey, and also New York City, as well as most of the Northeastern part of the United States, is the area of active competition for Philadelphia commercial banks and for the proposed merged bank. The testimony discloses that the competitive effect upon all Philadelphia commercial banks will be minimal. The larger bank, however, will be able to compete on better terms and in a better atmosphere with the banks of other cities and States that have been draining this area of banking business which might well be and perhaps properly should be handled here, and which cannot be handled under present circumstances. That it will benefit the city and area has been established clearly by a fair preponderance of the evidence as has been set forth in the findings of fact of the defendants previously affirmed.

There is nothing in this record which supports the averments of the complaint that the proposed merger involves an unlawful combination in restraint of trade; would result in or tend toward monopoly, or violate the provisions of the Clayton Act, if applicable; and the proposed merger certainly violates no provision, either express or implied, contained in the Bank Merger Act of 1960.

Since the proposed merger contains none of the defects alleged in the Government's case and will be in the public interest, it follows that judgment must be entered in favor of the defendants and against the plaintiff.

#### TVA'S TRIBUTARY PROGRAM

Mr. KEFAUVER. Mr. President, the proposed budget for fiscal year 1963 which President Kennedy recently submitted to the Congress envisages an important and historic step for the Tennessee Valley Authority.

It is proposed that the TVA spend \$2.5 million during the coming fiscal year to begin work on the multipurpose development of the Beech River in west Tennessee. What distinguishes this resource development project from others in which TVA has heretofore engaged is: First, it represents TVA's first major move in the development of tributaries of the great Tennessee River; and, second, it calls for a sound new demonstration of the partnership for progress that has always existed among the TVA, State, and local people in the Tennessee Valley.

One of the most enthusiastic and articulate advocates of the principle of tributary development by the TVA has been one of the Nation's great newspapers, the Nashville Tennessean. Therefore, it speaks with energetic authority in its comments of the Beech River project in an editorial appearing in that newspaper on January 19, 1962.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

##### TVA'S TRIBUTARY PROGRAM MODEST, BUT SOUND, START

In his budget message to Congress yesterday, President Kennedy proposed a \$2.5 million appropriation next year to initiate a tributary stream development program in the Tennessee Valley.

Under this proposal, developed by the Tennessee Valley Authority following a couple of Presidential promptings, the Beech River watershed of west Tennessee would be developed with a series of 14 small multipurpose dams and 80 miles of channel improvement, at an estimated total cost of \$6 million.

It is a modest beginning. But it is a start. And a sound principle has been established for completion of the river basin development job upon which TVA embarked more than a quarter century ago.

The financing proposals suggested are entirely sound. Local and State participation are involved, it is true, but recognition is given to two facts upon which this newspaper has predicated its insistence that capital financing and planning originate at the Federal level:

1. Local governments in Tennessee simply do not have sufficient revenue sources to undertake the broadly based basin-type development which commonsense and good conservation practices dictate. With demands growing upon the State for more revenue for education, highways, etc., it is likely Tennessee, too, would find difficulty raising the needed funds.

2. TVA, long since created for the very purpose this proposal entails, is the proper agency to develop the plans, to control projects which are an integral part of the mainstem system, and therefore to supply the capital funds necessary.

In its announcement of the Beech River program, TVA has taken note of the lack of local revenues, but there is nothing at all amiss in its suggestion that "under this plan the portion of the system which is pri-

marily beneficial to the local area would pay for itself." And we know by long experience that this sort of development produces both the benefits and the local revenues mentioned.

It was our hope that TVA would embark on a bit more ambitious plan such as the Elk River basin offers. But it seems the directors want to utilize the Beech River watershed program as something of a pilot project, and we see nothing wrong in this as long as they do not forget there are other areas of perhaps more significant need.

We shall, therefore, continue to press for a broadening of this program with its multipurpose functions, designed to lend greater emphasis to the conservation-development role of the Authority.

In a conservative Congress, approval of the TVA-Presidential request is not assured, of course. It is therefore imperative that the valley delegation, which has a vast future stake in this program though only one congressional district is immediately involved, stand united behind the traditional principles to which the people of this State and valley adhere.

#### NEED FOR A REVIEW OF NATION'S TRANSPORTATION INDUSTRY

Mr. KEFAUVER. Mr. President, more than any similar event of recent years, the merger agreement by the Pennsylvania and New York Central railroads has pointed up the need for an overall review of the Nation's transportation industry.

Several days ago I proposed such a review by a Presidential commission. Now I note that the Nashville Tennessean, in an editorial on January 19, 1962, suggests that the Interstate Commerce Commission undertake a review of the entire rail system. However we may differ as to detail, we agree on the need for a study not confined to this proposed merger alone, and on the principle that monopoly must be avoided, competition preserved and the public interest protected.

I ask unanimous consent that the editorial appear at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

##### RAILROAD SYSTEMS REVIEW NEEDED

Formal agreement to merge the Nation's two largest railroad systems—the Pennsylvania and the New York Central—is symptomatic of deep-rooted troubles in the entire rail industry which foreshadow other consolidations.

The two lines, which together represent some \$5.4 billions in assets, have agreed on merger terms. Many obstacles, including approval by the Interstate Commerce Commission, lie ahead, however. These could delay action possibly 2 years or more.

Both lines had rough going last year, although the Pennsylvania managed to end the year in the black. The merger, which would result in a 20,000 mile network formed by the two parallel systems, is estimated to save \$100 million a year.

Many of these lines' financial troubles stem from overcapacity and excessive duplication of service. Few would argue that elimination of these weaknesses would, of themselves, bring about the kind of monopoly in railroad operation which made creation of the ICC necessary.

In various stages of negotiation are other mergers, including the Atlantic Coast Line

and Seaboard Air Line; the Great Northern, Northern Pacific, and Chicago, Burlington, and Quincy; the Norfolk and Western and Nickle Plate; and the Chesapeake and Ohio and the Baltimore and Ohio. Each of these mergers would result in multimillion dollar operating cost economies.

The dilemma of the railroads, in fact, has reached such proportions that a piecemeal attack by separate consideration of individual merger plans is no longer adequate. What is indicated is a comprehensive review by the ICC of the entire rail system.

It should be reshaped to meet the demands of the times, with primary emphasis on protection of the public interest.

This means preservation of real competition, and protection of shippers, passengers, railroad workers, and the towns the roads serve. Crippling of the Nation's lifelines must be prevented.

**UNANIMOUS-CONSENT AGREEMENT TO VOTE AT 2 P.M. WEDNESDAY, JANUARY 31, 1962, ON THE NOMINATION OF JOHN A. McCONE TO BE DIRECTOR OF CENTRAL INTELLIGENCE**

Mr. MANSFIELD. Mr. President, I should like to have the attention of the Senate.

The VICE PRESIDENT. The Senate will be in order.

The Senator from Montana may proceed.

Mr. MANSFIELD. The Senate will recall that some time earlier it gave its consent to vote on the McCone nomination at 2 o'clock this coming Wednesday. The request was made on the assumption that the American congressional delegation to the Punta del Este Conference would return to Washington, D.C., at 9 a.m. Wednesday morning and that therefore the rights of a Senator would be well protected if the vote were taken at 2 p.m. that afternoon.

Due to the fact that the Punta del Este Conference is still in session; that decisions have not been reached; that a particular member of the delegation asked that the vote on the nomination be held up until his arrival; at this time, in furtherance of that request and in view of the circumstances involved, on the basis of the absence of a Senator due to a Presidential appointment in effect to enable him to attend a conference, I wish to ask that the vote on the McCone nomination be held over until 2 o'clock on Friday next.

Mr. SALTONSTALL. Mr. President, I shall object. It will be the first time in 17 years I have objected to a unanimous consent request. I shall object because I believe this is an extremely important agency and I believe that we should act upon the nomination promptly. The nomination has been held over now for more than a week since the Committee on Armed Services reported the nomination unanimously.

Because of the importance to our national security and because of all the problems involved, I object.

I say to the distinguished majority leader that I believe it is quite clear the nomination of the gentleman will be confirmed, but in order to be courteous to any Senator who is away on a Presiden-

tial Commission I shall be glad to give that gentleman a live pair if I am told by the majority leader that there is any member of that Presidential Commission who is a U.S. Senator who wishes to vote against the nomination of Mr. McCone. I say now publicly to the majority leader, if he will give me his word that man wishes to vote "Nay" I shall give the Senator a live pair, but I object to further postponement of the vote on the nomination.

Mr. MANSFIELD. Mr. President, I appreciate the courtesy of the Senator from Massachusetts, and I shall keep his suggestion in mind. He is always kind and considerate.

Mr. President, I ask unanimous consent, in view of the request made by our absent colleague, that the vote on the McCone nomination be deferred from 2 p.m. on Wednesday next until 2 p.m. on Thursday next.

Mr. DIRKSEN. Mr. President, I share the same feeling of distress about objecting. I know many Members have made plans contingent upon the vote coming on Wednesday as originally scheduled.

I am very reluctant to object. I think in the interest of the Senate, and the implied commitments that were made, I would have to object. I would also tender my services and offer a live pair to the Senator in question, because I presume his vote would be opposite mine. I make that tender now.

Mr. MANSFIELD. I do not know how our absent colleague would vote. He did request, though, that the vote be held up until his arrival. We have tried to comply with that request. The time was set for 2 p.m. on Wednesday next. It appears that there is no possibility of obtaining a further extension. So at this time I will make no further request. I thank the distinguished Senator from Illinois [Mr. DIRKSEN] for his offer.

**AID TO HIGHER EDUCATION**

Mr. LONG of Missouri. Mr. President, last fall I acted as an intermediary in a very important exchange of correspondence between Dr. Elmer Ellis, president of the University of Missouri, and the senior Senator from Oregon [Mr. MORSE], chairman of the Senate Subcommittee on Education.

Dr. Ellis in this correspondence raised a number of objections to S. 1241 as reported.

He questioned its program of loans only for the construction of academic facilities. He also questioned its provisions for the States rather than institutions of higher education to determine who receives scholarships. In place of S. 1241, he offered a number of alternative suggestions to aid higher education.

Since this bill will be laid before the Senate soon, I believe all Senators will find this correspondence of great interest. I, therefore, ask unanimous consent that Dr. Ellis' original letter, the reply of the senior Senator from Oregon, and the further letter of Dr. Ellis be printed at this point in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

OFFICE OF THE PRESIDENT,  
UNIVERSITY OF MISSOURI,

Columbia, Mo., September 19, 1961.

Senator EDWARD V. LONG,  
U.S. Senate,  
Washington, D.C.

DEAR ED: I notice that the Senate Committee on Labor and Public Welfare has approved a version of Senate bill 1241 which is directly contrary to the interests of all State universities and colleges.

1. It offers loans but not grants for construction of academic facilities. This is absolutely of no use to any public institution in Missouri and almost no private college or university.

2. It offers grants for construction of academic facilities only to public community colleges. This is highly discriminatory against 4-year colleges and universities, public and private, and is highly discriminatory against certain States that do not have many junior colleges. While we will have more in Missouri in the future, still States like California, Iowa, and Texas, which have a great many, would get most of this money. Moreover, why should the Federal Government discriminate against 4-year institutions if that is what other States need?

3. The bill would establish a Federal scholarship program administered through State commissions rather than through the colleges and universities. Personally, I have no particular enthusiasm for big scholarship programs but if we are to have it, it is far more sound and much cheaper to administer it through the universities and colleges rather than through a State commission. Colleges and universities administer the present loan program of the National Defense Education Act without criticism.

I would be glad to enlarge on any of these points if you wish. I think, however, it has become a very bad bill and should not be passed in this form under any circumstances. I am certain it is bad for the State of Missouri.

Cordially,

ELMER ELLIS.

U.S. SENATE,  
COMMITTEE ON LABOR  
AND PUBLIC WELFARE,  
October 5, 1961.

HON. EDWARD V. LONG,  
U.S. Senate.

DEAR SENATOR: Thank you for bringing to my attention and that of my subcommittee the September 19, 1961, letter addressed to you by President Elmer Ellis of the University of Missouri.

The points raised by President Ellis parallel views expressed by other educators in our hearings on S. 1241. I would only point out that, as indicated in the testimony of President Case of Colgate, which may be found on page 287 of the hearings, the committee did receive testimony that the loans are needed, are one practical way of meeting the urgent demands of academic facilities and would be used to the full extent of the \$300 million a year authorized for the 5-year period.

It is true that President Case would welcome matching grants to institutions of higher education. However, as I am sure you realize, in view of the controversy which has enveloped other educational bills this past session, it might be most difficult to enact an across-the-board grant proposal.

These difficulties can be summarized somewhat as follows:

If grants to public institutions of higher education only were to be adopted then strong protests could be expected from non-public institutions of higher education on

the grounds of discriminatory treatment. It would be said that "the unity of higher education" was threatened. If grants are proposed for both private- and church-related institutions of higher education serious objection could be expected to be heard from a broad spectrum of the American public which holds, with sincere conviction, that such a course in all probability would be repugnant to the first amendment of the Constitution. Furthermore, the claim could be made, and with considerable justification, that if such benefits were to be conferred upon both public and private institutions of higher education, then in all equity equivalent benefits should be made available to the nonpublic or church-related secondary and elementary schools. I am aware that there are those who would attempt to draw a strict distinction between elementary and secondary education on the one hand and higher education on the other, based upon the criterion of compulsory attendance. While I am cognizant of this line of reasoning, I find it personally very difficult thus to segmentize the Constitution. I have no doubt, however, that interest-bearing loans can meet the constitutional test, and that, as indicated by testimony, such a loan program would meet a current and pressing financial need of many institutions for instructional facilities. I suspect that present legal barriers under State law would be quickly overcome if the loan money were to be made available.

With respect to the grants contained in S. 1241 for the encouragement of junior college construction, I would point out the testimony presented to us indicated that publicly controlled community colleges are expanding in 41 States. In the fall of 1959, these colleges enrolled approximately 12 percent of the degree-credited students attending institutions of higher education. I would also point out that in committee the needs of junior colleges were given sympathetic consideration by Senators on both sides of the aisle. Evidently there is a strong public demand in a great many States for this segment of our higher education system. Enactment of S. 1241 in the form recommended by the committee will, I am convinced, do much to encourage the establishment of junior and community colleges. Traditional 4-year institutions, I feel, will also benefit from this trend since the first 2 years of collegiate work taken at the junior college institution will enable many students to determine during that period what further formal education would be helpful to them. I believe that the community college is essentially a complementary rather than a competitive institution to the 4-year school.

With respect to the third point raised by Dr. Ellis, I am sure that you can appreciate the advantages to the student selected for a scholarship of being able to determine for himself the institution which best serves his unique and individual needs. Since there is no requirement that a student awarded a scholarship by a State scholarship commission pursue his education within the boundaries of the State in which he takes the examination, the student will have open to him a greater variety of educational choice than would be the case if institutions were to administer the program. In this area, I grant that sincere differences of viewpoints can and do exist, but it was the committee judgment that State scholarship commission program would enable more students in all geographic areas to receive better educational benefits than under alternative arrangements suggested to the committee.

One blunt point in this connection should be made, and that is that the State scholarship commission concept would be more advantageous to talented members of mi-

nority groups than the proposal advocated by President Ellis.

I realize that this has been a somewhat lengthy reply to your inquiry, but I feel that both you and Dr. Ellis would appreciate receiving a full explanation of the committee position.

With kindest personal regards.

Cordially,

WAYNE MORSE,  
Chairman, Education Subcommittee.

UNIVERSITY OF MISSOURI,  
Columbia, Mo., November 9, 1961.  
Senator EDWARD V. LONG,  
U.S. Senate, Washington, D.C.

DEAR SENATOR LONG: I have read Senator MORSE's letter with great interest. I certainly appreciate the courtesy of his reply which shows the care and consideration he is devoting to these problems.

The legislation recommended originally by the American Council on Education and others was a series of proposals that had been worked out by the various national organizations of universities and colleges. It was a compromise among different types of institutions and among regions and States. While no one would claim it was perfect, it certainly was a program that would promote higher education substantially and at the same time would not discriminate or favor one group as against another. The action of the subcommittee of course upsets all these compromises, and while it makes some of its own, the result is a series of proposals that would heavily favor some types of universities and colleges and some States and regions. It would do so far more, I am sure, than Senator MORSE and his subcommittee realize.

Missouri, I must add, is one of the States that will get virtually nothing out of the legislation as they propose to pass it. Let me take up the points in order.

The decision concerning loans, or loans and grants, for academic facilities I realize is a difficult one because of the church-State relationship. However, the "loans only" are of no value to public institutions. We are not prohibited by law in Missouri from using them but none of us would resort to them because the only way we could repay loans would be to raise our student fees beyond what they are now; and we do not feel that is a statesmanlike way to meet the problems of higher education, as it would further restrict access to educational opportunity. The loan feature would be of use only to a few private institutions and for the most part to those private institutions that are now the best financed, not to those that are in greatest need.

The second point is in regard to limiting to community colleges the grants for construction. As you will recall, I have been a principal advocate for State aid to these colleges in Missouri. Because of our new law we will now have some expansion but not much. The possibilities of its help here are trifling compared with those States that have developed great programs in the junior and community colleges. There is nothing in the Senator's statement that would indicate why 4-year institutions should be eliminated from these grants of funds. States such as Missouri depend much more on 4-year colleges and will continue to do so for many years. Of the college students in Missouri less than 6 percent are in public junior colleges, and the 4-year colleges are now growing much faster. At best we might increase the junior college percent to 9 in 10 years. In contrast, in California 45 percent of college students are in public junior colleges now. According to the Senator's letter, nine States would get nothing. Many others, such as Missouri, would get almost nothing. But California would get aid for nearly half of its college students.

Senator MORSE is mistaken, I am sure, in his belief that the establishment of junior colleges relieves the 4-year colleges of needs for buildings. The great benefit of junior colleges is that they add opportunities for higher education to students who otherwise would not have them. This is its major justification and about 90 percent of their attendance is of this type. Let's not forget that the States' needs differ greatly.

If the church-State relationship makes these types of aid as difficult to bring about as the subcommittee seems to feel, I would like to make the suggestion that these proposals for aid for academic buildings be dropped entirely and that instead we go back to our housing legislation that we have been using satisfactorily for several years for both public and private institutions. It is working successfully and presents no problems of this type, but it does have a great weakness in that it forces us to charge our students more than the real costs of the loans.

Under present regulations of the Housing and Home Finance Agency we are required to calculate occupancy for single student dormitories at 90 percent. In addition, we are required to set our room and board rates at a level which will guarantee 1.35 times the required interest and principal charges. I submit that this is not a sound Government policy but follows private banking principles that should not apply in the same way to a program of Government aid to higher education. Unless we can get subsidies from some source the difference between our cost and the actual sinking fund charges raises our rates so that many students cannot afford to live in college housing. If the committee would look into this I am sure they would see that as a practical matter this 85-percent overage could very safely be reduced to 10 percent or less for institutions with good records and the resulting saving would do all the colleges and universities more good than any of these other proposals.

It is not academic facilities that are the great bottleneck. We could make more efficient use of those we now have in many cases, but the great shortage is student housing and many of us instead of having 90-percent occupancy are overcrowded to 115 or 120 percent.

The third point is whether the scholarships provided should be granted by the colleges involved or by a State commission. The admissions procedures of our colleges require close relationships with high school advisers, and it is very simple for them to locate academically able but financially needy students who must have help to secure an education. No State commission, even with an elaborate bureaucracy, can do this as well as the staffs of our colleges. The purpose of the scholarships is to find these students and bring them to college. Only the colleges can do this.

Our present NDEA loan program is handled by the colleges and I do not know of anyone who would argue that it is not being done well that way. If, as the subcommittee contends, the scholarships should be granted by a State commission and be usable anywhere in the country, it would mean that more able boys from Missouri would go to distant, prestige schools and hence would rarely return to Missouri after graduation. There was nothing in the original plan to keep a student from applying to any college he wished; he was free to go where he could qualify. But this State commission plan will encourage students who can well afford to go at home to apply to go to the glamor, distant schools. Much present scholarship money works this way now and it has been bleeding this State of ability for years. The subcommittee's proposal would compound it by adding Federal money for this purpose. It would not help students who cannot now

go to a good college but will merely move them to other parts of the country for their education. While some of this movement over the country is excellent, the merit scholarship plan as well as the large funds for scholarships in the prestige institutions already provide for a great deal of such movement; if we add Federal funds for this, the States in the West and the South would be robbed of many more of their most able students. I submit that higher education and national strength will be weakened rather than strengthened by such a program.

If I understand Senator MORSE correctly he believes that a State commission would distribute the scholarships more fairly and with less minority discrimination than would the universities and colleges. Does he really believe that a commission appointed by Governor Faubus would be more fair than the faculty committee of the University of Arkansas? I am sure on rethinking this problem he will realize from his own academic experience that this is a faulty conclusion. Has there been the slightest suspicion that the present loan funds as administered by the colleges discriminate against any group? On the contrary the State commission plan in the subcommittee's bill will not aid additional good students to secure an education but will merely move students now able to get an education in their own States, or nearby, to distant glamour institutions, and increase the strong tendencies that now exist to strengthen certain institutions and regions at the expense of the great majority.

As I proposed an alternate to the aid for educational facilities to get us off dead center here, I would like to propose one for this scholarship fund, and that is to improve the national defense education loan program. So far this program seems to be going very well, although I could suggest a number of minor improvements. But I am entirely convinced it would serve our national purposes better than scholarships if we would—(1) supply more money for loans under this program and (2) take off the institutional maximum which makes it unfair to the students at the large universities such as New York University or the University of California. It will do more good with less cost to the Government than any of the proposed scholarship programs. It likewise involves none of the problems that the subcommittee finds in the proposals recommended to them from various educational groups.

I repeat that the program as now visualized by the subcommittee will do very little good nationally and will certainly discriminate seriously against States such as Missouri. It will waste resources that higher education desperately needs if we are going to carry out our national obligations.

I enclose a copy for Senator MORSE.

Sincerely yours,

ELMER ELLIS.

#### COMMENDATION OF JAMES V. BENNETT ON HIS 25TH ANNIVERSARY AS DIRECTOR, BUREAU OF PRISONS

Mr. LONG of Missouri. Mr. President, I should like to take this occasion to recognize one of our most distinguished public servants, Mr. James V. Bennett, Director of the U.S. Bureau of Prisons. This week is a most appropriate time to do so, for it was exactly 25 years ago this Thursday, February 1, that he was first appointed to the important position which he still holds. Over the past year, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries I have had the opportunity to work with Jim Bennett and to

appreciate the difficult and essential assignment that he has fulfilled so long and capably.

Before I came to the Senate I was already familiar with Director Bennett's many contributions to the national welfare. Several years ago he made a survey of Missouri's penal system, and he has been helpful in a consultant capacity ever since. Needless to say, our State penal system has profited immensely from his advice and assistance. He has rendered similar services for several of our communities, including St. Louis.

The revered Senator Tom Hennings, my predecessor in the Senate and on the National Penitentiaries Subcommittee, shared a similar respect for Mr. Bennett. He related to me more than once the many ways in which our Prison Director had helped to uplift and improve the administration of justice. He commented upon several of these achievements in the annual reports of the subcommittee. He was convinced that as long as Mr. Bennett held stewardship of the Bureau of Prisons, our Nation's penal system was in the best possible hands. In the 1959 report our honored Senator from Missouri wrote, among other things, that while he realized that there is no such thing as the indispensable man, Director Bennett "comes as close to this role as any man I have known in public service."

Jim Bennett was an obvious and natural selection for the post of Prison Director in 1937. Ten years previously, as a management analyst for the old Bureau of Efficiency, he was assigned the job of investigating the Federal prisons, then in desperate straits and rocked by recurrent irregularities. He later assisted a congressional committee in drafting a report which led to the legislation creating the Bureau of Prisons in 1930. Appointed an Assistant Director of the new agency, he spent the next several years developing basic legislation to fit the expanding prison system, creating prison industries to provide respectable employment for inmates, and bringing about many profound improvements in our penal system. The Honorable Sanford Bates, who retired as Federal Prison Director in 1937, firmly endorsed his assistant as the logical choice to take over his post.

On February 1, 1937, there were 19 Federal institutions. Today there are 31 in operation, another in the construction stage, and still another on the drawing boards. Under the pressures of successive congressional enactments broadening the Federal jurisdiction over crime, the population of the Federal prisons has grown almost uninterruptedly over the past 25 years, usually more rapidly than available space. The period was also one of repeated national crises, which meant that the needs of the Federal prisons had to be subordinated to the national defense effort. Director Bennett conscientiously did his best to solve or at least to contain the consequent problems imposed up his institutions. He performed the task with stringent economy and at the same time managed to improve the institutional programs designed to salvage the

offender and return him to the community better able to assume the responsibilities of citizenship.

During World War II and the Korean war, he geared the industrial activities of the Federal prisons to the exclusive production of articles to meet national defense needs. He refused to seek deferments from military service for any of his personnel, no matter how valuable they might be to his service. He further assisted the Selective Service Administration in developing workable policies for drawing manpower from among the Nation's prisoners and ex-prisoners. He aided the War and Navy Departments in developing their own correctional programs and running their own confinement facilities. After World War II he spent several months in West Germany, reorganizing its prison system and getting it off to a good start. Incident to all these services, he received a number of medals for distinguished public service.

When Jim Bennett was first introduced to the prison field in the 1920's, the Federal prisons were virtually without the rudiments of a rehabilitation program. They were filled with idle men who left prison no better prepared for community life than when they had entered. The institutions were headed frequently by political appointees and staffed by untrained guards who were not even accorded civil service status. Today, largely through Jim Bennett's efforts, the Federal prison system is internationally recognized as superior to any other.

The prisoners enter upon a rehabilitation program on the day of their commitment and it continues until the day of their departure. The Federal methods for classifying prisoners in terms of the problems they present and prescribing programs of treatment to fit those problems has been widely copied. While this treatment is underway the problems of custody and public safety are not neglected. Few men successfully escape from our Federal prisons, and it is no accident that the Federal system has been virtually free of the prison disorders experienced so frequently elsewhere, particularly during the early 1950's. Federal prison employees, now in full civil service status, are brought to peak efficiency through extended and intense training. Jim Bennett expects top performance from his employees, and they give it.

Conceded to be the ranking expert on correctional programs and architecture, Director Bennett has had a national and worldwide influence. At the request of innumerable municipalities, counties, and States, he has given generously from his store of experience and knowledge. Many foreign governments in Latin America, Europe and Asia have sought his advice. As early as 1935 he was a delegate to the International Penal and Penitentiary Congress in Berlin, and in 1950 chairman of the American delegation to a similar congress at The Hague. He served as delegate to the first United Nations Congress on Prevention of Crime and the Treatment of Offenders in Geneva in 1955, and as chairman of the American

delegation to the second U.N. Congress in London in 1960. Nationally he has been active in so many welfare and correctional organizations that I cannot enumerate them here.

His efforts have done much to improve the quality and fairness of the sentences imposed for crime. He helped to develop the legislation which became the Federal Juvenile Delinquency Act in 1938. He labored earnestly over the years to obtain sentencing statutes which would fit the problems of youthful offenders, and to him belongs a good share of the credit for the proposals which, in 1950, became the Federal Youth Correction Act. He helped to draft the 1948 statutes which provide fitting dispositions and psychiatric care for the mentally ill charged with or convicted of crime. In 1958 he worked with Senator Tom Hennings and Congressman EMANUEL CELLER in their efforts to obtain enactment of legislation to make Federal sentencing less inequitable. The final act provided for indeterminate sentences, commitments of defendants for observation and sentencing recommendations, and judicial seminars on sentencing problems. Since 1958 virtually every Federal circuit has sought Director Bennett's participation in those seminars, in a joint attempt to achieve the objective which the Congress directed—a more consistent and fair sentencing practice.

Jim Bennett has found time from his many duties and interests to do a great deal of writing on a wide range of subjects. He has written a book and a later supplement on correctional architecture, and it now serves as a handbook on the subject for the entire correctional field, the only available publication of its kind. Out of the distillation of his experience he has written articles for publication on such subjects as jails, juvenile delinquency, sentencing, the treatment of the mentally ill, narcotics control, prison psychiatry, and many others. His works are widely quoted by others who write in the same fields.

His contributions to the Nation's welfare are too numerous to summarize, but I would like to say a few words about Jim Bennett himself. He has, as a man in his position should have, an intense personal interest in improving the lot of our society's unfortunates. He runs a taut, no-privilege penitentiary at Alcatraz, but he travels frequently to the island to inquire into the welfare and progress of the men confined there. Many of them have eventually straightened out, earned their release, and returned to the community to do well. I am confident that Jim Bennett's personal efforts have had a lot to do with salvaging these men, once considered too dangerous and hostile to be kept anywhere but at escapeproof Alcatraz.

When he visits other prisons in the Federal system, he is never too busy to talk to any inmate who wants to see him, and he seeks many others out for helpful talks. Many of these men write him or call at his office after their release to express their appreciation; while they were serving their terms it was comforting to know that the Prison Director himself was interested in how they were get-

ting along. Some ex-prisoners, down on their luck, shamefacedly report to the Prison Director's office when passing through Washington. Invariably he draws from a small fund he has established through the proceeds of his writings, or if it is exhausted, he digs into his own pocket.

The employees of the Federal Prison Service, too, feels a personal tie to him and a sense of mutual confidence and respect. They are, I might say, far from the best paid in the Government service. But as anyone can attest who has visited a Federal prison, they have an unbelievably high morale, and according to the Civil Service Commission, the lowest turnover in Government.

Jim Bennett has well earned the sobriquet of "Mr. Corrections." He has served in successive Democratic and Republican administrations, but there has never been any doubt about his reappointment. All of the 10 Attorneys General of the past 25 years have enjoyed his loyalty and in turn have come to rely upon him with unreserved confidence to operate the Prison Bureau with a minimum of anxiety to them. Only a couple of years ago, President Eisenhower conferred upon him the President's Award for Distinguished Federal Civilian Service.

I consider it a privilege to be associated with Jim Bennett in my capacity as chairman of the National Penitentiaries Subcommittee. During his 25 years as Prison Director, he has proven a credit to his post, his Nation, and his fellow men.

#### TRIBUTE OF SENATOR HRUSKA

Mr. HRUSKA. Mr. President, the distinguished Senator from Missouri [Mr. LONG] has paid a fitting tribute to Mr. James V. Bennett, who on February 1 will have served 25 years as Director of the Federal Bureau of Prisons. I should like to associate myself with the kind words of the Senator.

My opportunity to know Mr. Bennett springs from my service on the Subcommittee on National Penitentiaries of the Committee on the Judiciary and also on the Subcommittee on Appropriations for the Department of Justice, from which Department the Bureau of Prisons secures its funds.

Through personal contact with him in committee sessions, as well as from visits to many of the institutions in his Bureau, I have come to regard and respect Mr. Bennett as one of our foremost public servants. A reliable test of an official's effectiveness can be found in the loyalty and cooperation extended by the personnel of his department.

On this score, I have commented many times in my reports, following visits to various penitentiaries, on the capabilities, the qualities, the devotion, and the diligence of the many men and women who are engaged in the work of the Bureau of Prisons. They are involved in work which is both difficult and delicate. It is far reaching in its effect and impact upon the lives and fortunes of many persons. It is dangerous work, as well. Yet the staff of the Bureau has a vision and an enthusiasm which constitute a real tribute to their Director, Mr. James Bennett.

The talents and the achievements of Mr. Bennett himself are quite impressive. I should like to pay tribute to his humane philosophy and to the enlightened efforts by which he has succeeded in making the Federal prison system a standard for the world. The Senator from Missouri enumerated Mr. Bennett's qualities and contributions. Again I wish to say that I concur in that statement.

I wish, however, to comment particularly on one of Mr. Bennett's achievements—namely, his many contributions to the literature in the field of penology and its related problems. I am sure that if all of his writings are ever collected in one place, they will be of enormous benefit for many years to come to students and to legislators.

Mr. President, on Sunday there was published in the Washington Post an article by Alfred E. Lewis, a staff reporter, which is very excellent. It includes one statement which I especially like. In referring to Mr. Bennett, Mr. Lewis wrote:

He has served every minute of it—a prisoner of his own dedication to the plight of the imprisoned—and with no time off for good behavior.

I firmly believe, Mr. President, in giving time off for good behavior, and I also wish to say that I am in favor of the granting of parole, in proper circumstances, to prisoners. But in this case I wish to say that I hope no time off will be given to James Bennett and no parole will be granted him unless he so desires.

Mr. President, I ask unanimous consent that the entire text of the article written by Mr. Lewis be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### JAMES BENNETT COMPLETES 25-YEAR TERM AS PRISON CHIEF

(By Alfred E. Lewis)

On this coming Thursday, James V. Bennett, 64, rounds out a 25-year term as Director of the Federal Bureau of Prisons.

He has served every minute of it—a prisoner of his own dedication to the plight of the imprisoned—and with no time off for good behavior.

An impressive group of his contemporaries in the penological field are in agreement that his behavior in the post has been exemplary and that he should have no time off because of it.

In a field so replete with controversy and theoretical crosscurrents, this agreement is in itself remarkable. But then, Bennett is in himself a remarkable man.

#### ONLY REAL REWARD

The only real reward in prison work, he finds, is the knowledge that about one-third of his charges never return.

Bennett feels the general public is too little acquainted with the stories of ex-convicts who have been successfully rehabilitated.

"When an ex-convict reverts to type," Bennett explains, "he usually makes headlines which are very discouraging to us. When a man lets us down everyone is told about it. When he resumes the place in society to which his birthright entitled him, no one hears about it."

Research on the motivations and machinations of the so-called criminal mind, Bennett predicted, will one day enable the penologist to separate with great accuracy the chronic

wrongdoer from the one-timer who is as shocked as society is at his transgression.

When a sick man goes to a hospital and comes out ostensibly cured, Bennett said, no one blames the hospital when he has a relapse. Bennett wishes people would start applying the same logical tolerance toward prisons.

More and more jurisdictions are coming to appreciate the value of the Federal Youth Corrections Act which he helped as a penologist to promote and as a lawyer to draft. It calls for indeterminate sentences for youthful offenders whose prospects for rehabilitation appear good.

One of the worst stumbling blocks in the community's duty to assist in rehabilitation of its former convicts, Bennett points out, is his own boss—the U.S. Government, which refuses to hire anyone convicted of a felony.

#### FAVORS WEEKEND SERVICE

Bennett also favors such innovations as the weekend services of jail sentences for traffic offenses.

The preparation for a prisoner's return to society begins the minute he checks into prison at any one of the 31 institutions under Bennett's supervision.

The entire Federal prison system currently reflects Bennett's belief that restricting man's freedom to move among fellow men comes pretty close to being punishment enough.

#### REGIMENTATION OUT

Regimentation in every activity has given way to prison freedoms which Bennett's predecessors were certain, almost to a man, were unworkable.

Lock-step cafeteria lines and bucket feedings have been supplanted by informal table arrangements permitting inmates to eat in some measure with mealmates of their own choosing—and at times within a spread-out dining period of their own choice.

Prerelease units were set up to ease the transition for a prospective ex-convict.

As a result, the violent rash of prison riots which spread across the Nation in the early 1950's involved only one Federal institution. Despite the new freedoms, the Federal prison escape rate remains exceptionally low.

In 1960, the survey of the prison health field found the quality of medical services, including psychiatric care, to be at a par or better than that available in most communities.

It is another of Bennett's beliefs that an administrator must administrate personally. To this end he manages to visit at least once a year each of the institutions in his far-flung jurisdiction, inviting suggestions from his field officers—and getting them in profusion from the inmates themselves.

This doesn't leave Bennett a whole lot of time to spend at home, 5840 Marbury Road, Bethesda.

Mr. HRUSKA. Mr. President, I yield the floor.

#### REORGANIZATION PLAN NO. 1 OF 1962 TO CREATE A DEPARTMENT OF URBAN AFFAIRS AND HOUSING—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 320)

Mr. MANSFIELD. Mr. President, a message from the President of the United States has been received with reference to the creation of a Department of Urban Affairs and Housing, which has been read in the House. I ask unanimous consent that the message may be laid before the Senate and referred to the appropriate committee.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The message was referred to the Committee on Government Operations, as follows:

#### To the Congress of the United States:

I transmit herewith Reorganization Plan No. 1 of 1962, prepared in accordance with the provisions of the Reorganization Act of 1949, as amended.

In my special message on housing of March 9, 1961, and again in my message on the state of the Union earlier this year, I recommended the establishment in the executive branch of a new Department of Urban Affairs and Housing, of Cabinet rank. This plan would fulfill that recommendation.

The times we live in urgently call for this action. In a few short decades we have passed from a rural to an urban way of life; in a few short decades more, we shall be a nation of vastly expanded population, living in expanded urban areas in housing that does not now exist, served by community facilities that do not now exist, moving about by means of systems of urban transportation that do not now exist. The challenge is great, and the time is short. I propose to act now to strengthen and improve the machinery through which, in large part, the Federal Government must act to carry out its proper role of encouragement and assistance to States and local governments, to voluntary efforts and to private enterprise, in the solution of these problems.

The present and future problems of our cities are as complex as they are manifold. There must be expansion; but orderly and planned expansion, not explosion and sprawl. Basic public facilities must be extended ever further into the areas surrounding urban centers; but they must be planned and coordinated so as to favor rather than hamper the sound growth of our communities. The scourge of blight must be overcome, and the central core areas of our cities, with all their great richness of economic and cultural wealth, must be restored to lasting vitality. New values must be created to provide a more efficient local economy and provide revenues to support essential local services. Sound old housing must be conserved and improved, and new housing created, to serve better all income groups in our population and to move ever closer to the goal of a decent home in a suitable living environment for every American family. We will neglect our cities at our peril, for in neglecting them we neglect the Nation.

The reorganization plan I am transmitting would establish a new executive department to be known as the Department of Urban Affairs and Housing. To the Department would be transferred the existing programs and responsibilities of the Housing and Home Finance Agency. These programs include an extraordinary range of diverse yet closely interrelated activities: insurance of mortgages to finance the construction of homes and the ready interchange of existing homes, as well as their modernization and improvement; financial aids to local communities in comprehensive local planning, in slum clearance and urban renewal, and in the conservation

and rehabilitation of neighborhoods and whole urban areas; advances and loans to assist in the planning and construction of needed public facilities; loans to assist in meeting the needs of our hard-pressed colleges and universities for student and faculty housing; financial aids in the search for solutions to the baffling problems of urban mass transportation; a variety of tools to stabilize and encourage liquidity in the private mortgage market; financial assistance in providing decent housing for low-income families; and others still.

Widely different as these Federal programs are in subject matter and in techniques, they all affect the lives and welfare of families in our cities and their surrounding areas, and they all impinge in one degree or another on each other. None can or should stand by itself. The basic purpose of this plan is to establish a department which will bring a maximum degree of coordination and effectiveness to the planning and execution of all of them.

Our cities and the people who live in and near them need and deserve an adequate voice in the highest councils of government. The executive branch and the Congress need an adequate instrument to assist them in the formulation and execution of policy concerning urban affairs and housing. States and local governing bodies urgently need an agency at the departmental level to assist them in formulating and carrying out their local programs for dealing with these problems. All these needs can best be met through the establishment of the Department provided for in this reorganization plan.

It should not be assumed that these are matters of concern only to our larger cities. Hundreds of smaller cities and towns are located on or near the fringes of rapidly growing urban areas. The problems of the cities affect them today, and will be theirs tomorrow. Hundreds of other smaller towns and cities not now affected will be so situated a few short years hence. Thus, the smaller towns and cities have a stake in this proposal as vital as, and only a little less immediate than, that of our large urban centers. This plan is addressed to their needs as well as to those of the major cities. Likewise, it should be emphasized that the Department will have important activities of service to the States. The establishment of this Department does not connote any bypassing or reduction of the constitutional powers and responsibilities of the States under our Federal system of government. Rather, the States must assume additional leadership in the future in dealing with problems of urban areas, and the Department will maintain close working and consultative relationships with them. An example of this relationship can already be found in the urban planning assistance program of the Housing and Home Finance Agency which provides matching funds for use by States to aid municipalities and State, metropolitan, and regional planning agencies facing rapid urbanization. Grants may be used by the States themselves to prepare statewide comprehensive plans for

urban development. Just as the programs of the Department of Agriculture have strengthened the role of the States in measuring and helping solve the problems of their farmers, so the Department of Urban Affairs and Housing will provide additional opportunities for the States to play a strong role in the development of their urban communities.

As the Senate committee noted in its report on S. 1633 (S. Rept. No. 879, 87th Cong., 1st sess.), "A Department of Urban Affairs and Housing is needed to provide Federal leadership to solve the problems emerging from the transformation of the American scene from a predominantly rural society to a vast urban complex. More than two-thirds of the American population now lives in metropolitan centers. The figure is multiplying. It is compounded of explosive population growth resulting from an increased birth rate, a declining death rate, and rapid migration of people from rural areas to cities, towns, and villages." The importance of our Nation's metropolitan areas entitling them to representation at the Cabinet table is further emphasized by the great amount of tax revenues they contribute to the Federal Government. For example, in 1959, taxpayers in the 10 largest metropolitan areas paid over \$13 billion in taxes or 35 percent of the total amount of individual income tax.

The need for such a Department has been increasingly recognized in recent years. A proposal for a Cabinet Department substantially similar in nature was advanced at about the same time that the first consolidated Federal Housing Agency was established, 20 years ago. Since then, year by year, both the executive branch and the Congress have taken successive steps to create a more coordinated agency with a fuller range of tools to attack these problems. No fewer than five reorganization plans submitted by my predecessors have contributed to this process. On the legislative side, the Congress has enacted major legislation in the field of urban affairs and housing in every year but one since 1946. The time is here to take the next needed step.

First, Reorganization Plan No. 1 of 1962 would establish a Department of Urban Affairs and Housing, to be headed by a Secretary who would be assisted by an Under Secretary, three Assistant Secretaries, and a General Counsel. All of these officers would be appointed by the President by and with the advice and consent of the Senate. There would also be in the Department, as in many others, an Administrative Assistant Secretary appointed from the classified civil service by the Secretary, with the approval of the President.

Second, the plan transfers to the Secretary of Urban Affairs and Housing the functions of the Housing and Home Finance Agency and its Administrator, including the administration of the programs of the Urban Renewal Administration and the Community Facilities Administration and the authorities now vested by law in the Public Housing Administration and its officers.

Because of its magnitude in our economy and the immediacy of its impact on

our people, housing has been and will continue to be the heart of this complex of related programs. In recognition of this fact, the plan provides for the transfer of the Federal Housing Administration as an entity to the new Department. Provision is also made for the continuance of the existing office of Federal Housing Commissioner, appointed by the President with the advice and consent of the Senate. The Commissioner would continue to head the Federal Housing Administration under the supervision and direction of the Secretary as head of the Department.

Finally, in view of its special legal status as a mixed-ownership corporation, the Federal National Mortgage Association would be transferred to the Department without change. The Secretary would serve as Chairman of the Board of the Association, as the Housing and Home Finance Administrator now does. No change in the organization or functions of the Association within the Department affecting its secondary market operations could be made unless the Secretary finds that such change would not adversely affect the rights and interests of owners of outstanding common stock of the Association.

In accordance with the spirit and intent of the Reorganization Act of 1949 as amended, this plan promotes the better execution of the laws, the more effective management of the executive branch of the Government, and the expeditious administration of the public business. It aims to promote economy and increase efficiency to the fullest extent practicable. Its significance in the pursuit of these purposes must be judged in the light of the magnitude and significance of the programs affected.

The various programs with which the new Department would be charged involve Federal investments of billions of dollars, and contingent liabilities of billions more. The quality of administration of these programs has profound effects on land values and tax revenues in local communities throughout the country. The operations of these programs figure importantly in the vitality of the general economy. The policies that govern them play a major role in determinations of national fiscal and monetary policy. Their management in the most effective and coordinated way possible, therefore, will yield economies in the broad sense far outweighing the amount involved in the administrative cost of their operations. And even in the latter area, I am convinced that economy and efficiency will be importantly enhanced by the improved coordination which this reorganization plan will make possible.

For all the reasons herein set forth, I have concluded that the creation of a Department of Urban Affairs and Housing is urgently needed to permit me to discharge most effectively the responsibilities in this area placed upon the President by the Constitution and by the statutes respecting these matters enacted by the Congress.

After investigation, I have found and hereby declare that each reorganization included in Reorganization Plan No. 1 of 1962 is necessary to accomplish one

or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended. I have also found and hereby declare that by reason of these reorganizations it is necessary to include in the reorganization plan provisions for the appointment and compensation of the new officers specified in section 2 of the reorganization plan. The rates of compensation fixed for these officers are, respectively, those which I have found to prevail in respect of comparable officers in the executive branch of the Government.

Although the taking effect of the reorganizations provided for in the reorganization plan will not in itself result in immediate savings, the improvement achieved in administration will in the future allow the performance of necessary services at greater savings than present operations would permit. An itemization of these savings in advance of actual experience is not practicable.

JOHN F. KENNEDY,

THE WHITE HOUSE, January 30, 1962.

Mr. McCLELLAN. Mr. President, today the President of the United States sent to Congress Reorganization Plan No. 1 of 1962. In my opinion this plan would merely elevate the Housing and Home Finance Agency to a Department status. Obviously, its initial major objective is to bestow Cabinet rank on the present Administrator of that agency.

In presenting the plan, the President is making use of procedures authorized under the Reorganization Act of 1949, as amended. This reorganization plan procedure is being employed by the President in an effort to obtain what the Congress has thus far denied and been unwilling to grant and establish by the normal and regular legislative processes.

The plan is designed to deal with metropolitan and big city affairs. Since the Reorganization Act does not permit the creation of new functions, urban affairs could not be included in the plan. Therefore, in my judgment, the plan falls far short of accomplishing all of the objectives sought by the President in the legislation that the House Rules Committee rejected. It is also quite significant that the plan, as submitted, includes about 30 percent of the housing functions of the Federal Government. It does not include and would not incorporate into the proposed new Department the Home Loan Bank Board nor the veterans and military housing which comprise 70 percent of the Federal Housing operation.

It, therefore, seems to me that the provisions of the plan are probably more inadequate and less desirable than are the provisions of the proposed bill which the House Rules Committee rejected.

#### HOSPITALITY TO STUDENT VISITORS

Mr. CASE of New Jersey. Mr. President, it is not always possible for our countrymen, indeed, the world at large, to know of the many fine impressions which the United States makes on student visitors. All too often the reverse is true. I ask unanimous consent that

a letter written by an exchange student from abroad be printed in the RECORD. Quite probably, many other letters of a similar nature are written but never see the light of day.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 24, 1961.

Mr. E. RUSSELL LINCH,  
Cultural Attaché,  
American Embassy,  
Beirut, Lebanon.

Sr: My tour to some parts of the United States of America this summer was of great benefit for me. It gave me a good opportunity to study, observe, and exchange views with unofficial people as well as with those who are concerned with the international relations. In this tour I have found that the Americans, in general, are generous, hospitable, kind, and eager to know about other people. It is true, as one may expect in other countries, that the common man does not know much about the people of other countries, but the mere fact that he tries to learn and satisfy his curiosity will in the long run lead him to know better. I was also impressed by the freedom of expression and the sense of tolerance in the United States of America. This attitude, I think, will eventually lead to experimentation and thence to the right solution of any problem. To me, it is this attitude which made the United States of America socially and materially more advanced than any country in the world. What impressed me most was the scientific achievements and how the benefits of these achievements are shared by all.

As an Ethiopian, to tell the truth, the color problem in the United States of America was one of the main problems to attract my attention. When I was assigned to go with the group to North Carolina I was hesitant to go there. But in the South things were not as bad as I have expected it. In the contrary, I have enjoyed the South. Most of the white southerners whom I met were very kind, generous, and liberal minded, who believe that the color problem should be solved once and forever. Those people were so strong in their belief that I, compared to them, was moderate. My visit to North Carolina convinced me that nearly all the people there agree on the evilness of the problem and the necessity of solving it. They only disagree on the method to be used.

During my stay in the States I was able, to certain extent: to satisfy my own interests. An ample opportunity was given to me to meet some educators and youth counsellors in Raleigh, Duke University, a high school in Chicago, Georgetown University, and the School of Education in University of New York. In all these institutions I was able to discuss the modern problems of education some of which I will be facing in the future. So may I ask you to convey my gratitude to all those educators who were of great help to me by sharing me their long experiences.

As far as the group is concerned I would like to make two comments. First, though there were some good elements in the group but still I think that the group was not harmonious and lacked a sense of belongingness. This may be due to the fact that we come from different schools, backgrounds and have different expectations to be gained from the tour. Second, because some members of the group did not speak English they could not communicate with the people on an intellectual level. As the result many a time our discussions were descending into a lower level of chatting lacking any sense of seriousness.

As for the tour in general is concerned I came out with the following conclusions:

1. The American people are eager to build a healthy relationship with peoples from other countries. They do this by trying to understand the other peoples' point of view about them (the Americans) and how could they be of any help in any situation.

2. The freedom of opinion and the responsible individual freedom which is practiced in the States is a guarantee always to lead to the right solution to any problems. And this will keep the United States of America strong to defend freedom.

In conclusion I would be very pleased if you kindly convey my deep gratitude to all those who took part in giving me the opportunity of this thrilling and rich experience of visiting the United States of America. These, of course, are the American people who for the sake of human understanding and assistance sacrifice a large amount of their income in such projects. It gives me pleasure also to thank those men and women who took the trouble and worked hard to make the groups' stay in the States pleasant. Specially I give my deep appreciation to the American Friends of the Middle East people who used to work without rest to make the group feel comfortable.

Thank you,

Faithfully yours,

OMAR MUSSA HAJJ.

#### FIVE-YEAR CENSUS

Mr. KEATING. Mr. President, a number of groups and community organizations in New York State have petitioned the Congress for legislation to provide for a quinquennial census.

I ask unanimous consent that several letters and resolutions which I have received on this subject be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Whereas many of the fiscal aspects of town government are directly related to the Decennial Census, conducted by the U.S. Bureau of the Census; and

Whereas the town of Lancaster is a rapidly growing community, and

Whereas a census conducted every 5 years would more equitably reflect a true population count of the town of Lancaster, and more equitably benefit the township in per capita State aid: Now, therefore, be it

*Resolved*, That the Town Board of the Town of Lancaster hereby requests congressional action to implement the taking of a Federal census every 5 years; and further be it

*Resolved*, That copies of this resolution be sent to Jacob K. Javits and Kenneth B. Keating, U.S. Senators, to John R. Pillon, Representative in Congress, to John H. Cooke, State senator and to Julius Volker, member of the State assembly.

#### TOWN OF WEST SENECA,

West Seneca, N.Y., December 7, 1961.

HON. KENNETH B. KEATING,  
U.S. Senate, Washington, D.C.

DEAR SENATOR KEATING: The Town Board of the Town of West Seneca, by resolution adopted December 4, 1961, has asked me to contact you and advise that it desires that you do everything in your power to promote Federal legislation to authorize the Federal census to be taken every 5 years.

It is extremely important to municipalities of the State of New York to know the population trends, both to plan for the future and to assist in obtaining adequate State aid.

The following is the text of the resolution adopted:

"Moved by Councilman Kirchberger, seconded by Councilman Stephan, that the town of West Seneca forward letters to Congressman JOHN PILLON and Senator KENNETH KEATING requesting that the Federal Legislature authorize a Federal census every 5 years, and that letters also be sent to Senator John Cooke and Assemblyman Julius Volker requesting that the State legislature memorialize Congress to act favorably on the 5-year census, copies of communications to be forwarded to County Executive Edward Rath."

Very truly yours,

MARTIN E. FUNSETH.

ALBANY CHAPTER,  
AMERICAN STATISTICAL ASSOCIATION,  
November 28, 1961.

HON. JOHN LESINSKI,  
Chairman, Subcommittee on Census and Government Statistics, New York, N.Y.

DEAR SIR: The following statement is forwarded for inclusion in the written record of the hearings of the Subcommittee on Census and Government Statistics of the House Post Office and Civil Service Committee.

The membership of the Albany chapter of the American Statistical Association includes professional statisticians and economists working in the agencies of the State and Federal Government, in community services, and in private industry.

We believe that a mid-decade census of population would be very useful in many fields of our work and would be valuable to the businessmen of the State. The very rapid growth of certain geographic areas within our State and the important shifts which take place in others progressively lessen the value of the decennial census data for analytical purposes with the passage of time. The lack of validity becomes particularly important during the latter half of the decade. The mobility of our population has become so accelerated in recent years that a quinquennial count appears essential.

More accurate data is needed, especially for planning in the fields of public health, education, industrial location and manpower utilization, urban renewal, housing, public welfare, highway construction, commuter transportation, and State aid to localities. While reasonably good intercensal estimates have been made in the past for the State as a whole, it has not been possible to make satisfactory estimates for smaller ones even for geographic subdivisions as large as counties.

It is highly important that the introduction of an interim census should not be permitted to result in any dilution of the quantity or quality of data secured through the regular decennial census. In order to minimize the cost of a mid-decade census, and to facilitate the earliest possible release of data, it is recommended that a very limited number of items be gathered, specifically: name of individual, sex, age, color, and possibly marital status, and relationship to head of household. It is important that these data be tabulated for minor civil subdivisions and census tracts. Unless data for such minor divisions are made available, there would be no purpose in taking a census in 1965.

Even a population count of such limited proportions is admittedly costly, but the estimated cost of some \$50 million on a nationwide basis may well be much less expensive than community planning made inefficient for lack of accurate population data. It is also noteworthy that many localities have found it necessary to spend considerable sums for special censuses between 1950 and 1960. In New York State, for

example, \$3 million was spent for such special censuses during this period.

I appreciate the opportunity to present this brief statement on behalf of the Albany chapter of the American Statistical Association.

Respectfully yours,

HELEN C. CHASE, Dr. P.H.,  
President, Albany Chapter.

ALBANY CHAPTER,  
AMERICAN STATISTICAL ASSOCIATION,  
Albany, N.Y., January 18, 1962.

Senator KENNETH KEATING,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR KEATING: I would like to present the following statement on behalf of the membership of the Albany chapter of the American Statistical Association with regard to the proposed legislation for a quinquennial census. This chapter has about 160 members, and about 90 percent of them are professional statisticians, economists, research analysts and associated personnel working in the State agencies. Our chapter has considered the matter of a quinquennial census, and has officially notified Congressman JOHN LESINSKI of its position.

No business can function efficiently nor its administrators plan wisely for its conduct without an annual review based on statistical summary. Many private and governmental activities require more frequent reviews. Yet, the Nation as a whole is galloping to a decennial stocktaking of one of its most important assets; namely, its manpower. The population of this country has greatly increased in mobility over the past 20 years. A commonly quoted statistic is that one family in five moves in a year's time and the net result of this mobility is reflected in the decennial census. However, when the mobility is this high, decennial statistics soon become outdated. On a local basis, more current data are needed. Because of rapid growth and despite the 1960 census, the village of Elk Grove, Ill., has already purchased a special census as of November 14, 1961 at its own expense. Many communities are finding themselves in similar predicaments because of rapidly shifting populations.

The chief obstacle seems to be the financial one. Although it is estimated that a minimal census in 1965 would cost approximately \$50 million, this expenditure would be reflected in better information for many groups and individuals. Business could make better determinations of available markets. Governments would find it useful in urban renewal, long-range planning for school construction, administration of State aid to local units, highway construction, etc. For individual investigators, the information would provide more current information for research and analysis of sociological phenomenon and economic development. A mid-decade census would reduce the number of special censuses between 1960 and 1970. In the decade between 1950 and 1960, local governments in New York State alone spent over \$3 million for this purpose. During that period, 1,170 communities in the United States paid the Census Bureau to conduct 1,529 special censuses at their own expense, and one community in California had 8 censuses during the decade.

Our chapter feels that the need is sufficiently great to warrant the cost. If we can be of any further service, please do not hesitate to call on us for additional information.

Very truly yours,

HELEN C. CHASE, Dr. P.H.,  
President, Albany Chapter.

#### NEIL STAEBLER

Mr. McNAMARA. Mr. President, a well-deserved recognition came recently to a man who has received many honors

and commendations for the great contributions he has made to making our political processes more effective in this country.

I speak of Mr. Neil Staebler, now Democratic national committeeman from Michigan, who served for more than 10 years as chairman of the Democratic Party in Michigan.

Neil Staebler, on January 20, 1962, was awarded an honorary doctor of laws degree from the University of Michigan. This honor is particularly appropriate at this time, since Mr. Staebler soon will begin a visiting lecturer series on political science at the University of Massachusetts.

Mr. President, I ask unanimous consent to place the text of the citation accompanying Mr. Staebler's honorary degree in the RECORD at the conclusion of my remarks.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

TEXT OF CITATION AWARDING HONORARY DOCTOR OF LAWS DEGREE TO NEIL STAEBLER BY THE UNIVERSITY OF MICHIGAN

Neil Staebler: Servant of the public weal, bachelor of arts of the class of 1926. It testifies to Neil Staebler's political skill that his party, traditionally the minority party in Michigan, won a steadily increasing number of general elections during the recent decade when he served as chairman. It testifies to purposes transcending the partisan that he drew the attention of the public to substantive issues and greatly enhanced the role of the citizen-amateur in State political life.

A further measure of his high idealism has been his quietly effective work as founder and director of the Ann Arbor Citizens' Council and as proponent of humane causes nationally. The sources of his every achievement are to be found in his own acute and comprehensive mind and in a personal humility and good will which have captured the respectful affection of all who know him. In conferring upon him the degree of doctor of laws, the university pays glad tribute to the distinguished abilities and to the blameless and devoted life of this loyal son.

Mr. MANSFIELD. Mr. President, is morning business concluded?

THE VICE PRESIDENT. The morning hour has expired.

#### CONVEYANCE OF CERTAIN REAL PROPERTY TO THE STATE OF WYOMING

THE VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title for the information of the Senate.

THE CHIEF CLERK. A bill (H.R. 3879) to authorize and direct the Secretary of Agriculture to convey to the State of Wyoming for agricultural purposes certain real property in Sweetwater County, Wyo.

#### A REPORT OF U.S. FOREIGN POLICY AND OPERATIONS

Mr. MANSFIELD. Mr. President, under the agreement entered into yesterday the senior Senator from Louisiana [Mr. ELLENDER] will now be recognized.

THE VICE PRESIDENT. The senior Senator from Louisiana [Mr. ELLENDER] is recognized.

Mr. ELLENDER. Mr. President, because of a throat ailment I do not propose to address the Senate very long. I rise to present my most recent report on U.S. foreign policy and operations to the Senate. This is the 10th such report for the use of the Committee on Appropriations that I have presented. I have submitted these reports to every department of the Government affected, including, primarily, the Department of State, the Department of Defense, the U.S. Information Service, and those who direct our foreign aid program, which today is known as the Agency for International Development.

Last year I again visited Russia. It was my fourth visit to that country, and during this trip I spent 7 weeks in that huge country. I have had incorporated into my report the complete day by day diary of my trip. I invite Senators to read that diary, as I believe it reflects conditions as I found them in Russia.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. CASE of South Dakota. I have been looking through the diary of the distinguished Senator from Louisiana in the past half or three-quarters of an hour. I have read several pages of it, and I have found it most interesting. I not only intend to take home the copy which I hold in my hands for further reading, but also to supply myself with additional copies of the Senator's report in order that I may send them to various persons who, I think, would find the report of interest.

I commend the Senator for executing the extraordinary task which he imposed upon himself in keeping the diary, and then preparing the report as a whole. Like other Members of Congress who have found the time, I have had occasion to visit countries abroad, but invariably I have found that when I returned, the crowding of the day's events has limited what I was able to do in the way of writing a report. On occasion I have tried to summarize what I had seen on my trip in the countries I visited, especially in reference to the mission of the particular trip. However, I think no Senator has shown greater diligence than that demonstrated by the Senator from Louisiana in preparing such a detailed report. To do so is quite a chore.

As I have gone through the report I have been amazed by the specific information provided. I am sure that it will be useful to every Member of the Senate and to people generally who want a firsthand report of an experienced, capable, and diligent observer.

Mr. ELLENDER. Mr. President, I am deeply grateful for the very kind remarks of my good friend from South Dakota. Returning to my trip, I followed my usual custom and traveled without any staff members accompanying me. I had two interpreters during most of my trip, one American and one Russian, as my diary will show. I kept all the notes which form the basis of my diary, in longhand. From time to time I sent these daily reports to my Washington

office, and there they were transcribed, and they form the basis of my report.

On this most recent trip to Russia I visited 12 of the 15 so-called Russian republics. I took 6,750 feet of 16 millimeter motion pictures, all at my own expense, in an effort to show the American people, and particularly my colleagues in the Senate, what I found in Russia.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MOSS. I, too, have been reading the report of the Senator from Louisiana since it came to my hands only today. On previous occasions I have read his diaries as he prepared them on visits to various countries of the world. Immediately prior to a visit I made to the Soviet Union I leaned very heavily on the diary the Senator from Louisiana had prepared on his previous visits, to give me a background for understanding what I was to see there.

I join the Senator from South Dakota in saying that no one has served the Senate and the people of the country more diligently than has the Senator from Louisiana in making such detailed and very interesting notes and observations about the countries he has visited. He has been diligent in his effort to visit all areas of the world, but particularly places that are not so commonly visited by people from the United States, and places that have great importance to our country because of the international situation which prevails.

I was particularly interested, in skimming through his account of his visit to Russia, to notice that he had some problems that were perhaps related somewhat to a trip we made there in 1959.

I regret most deeply that there has been a misunderstanding about exchange visits with the Soviets relating to hydroelectric installations and transmission of electricity, the field in which we were interested when we went to Russia. I have heard from Mr. Novikov by letter two or three times since I returned, and I have done everything I could to try to clear up this misunderstanding. I regret that it exists. I believe we should make a determined effort to see to it that we are not at fault by provoking petty reprisals, one against the other, and creating misunderstandings, which seems a rather childish thing to do. Despite these difficulties, the Senator from Louisiana still managed to see a great deal of Russia and to report in detail on it. I commend the senior Senator from Louisiana very highly for the work he has done.

Mr. ELLENDER. I thank my good friend from Utah. Since he has mentioned his own trip there, I believe I should elaborate a little on that portion of my report.

When I left the United States on October 1 last year my itinerary to Russia had been more or less agreed upon. After I reached Moscow and before I started on my trip through Russia, I was called upon by Mr. Zhukov—and he is not related to the famous Russian general in any way—who is the head of the cultural department in Russia. He informed me that it would be necessary

to change the itinerary that had been agreed upon. I asked him why. He said that they had to change their policy because of what had recently happened between his department and our State Department in Washington. It seems that there has been a great deal of correspondence between Mr. Zhukov's office and the State Department with reference to an exchange of delegations between Russia and the United States to visit high dams in the two countries.

While this exchange of cablegrams was going on, the distinguished Senator from Utah headed a delegation to visit the high dams and other facilities in the Soviet Union. When the Russians decided to permit the so-called Moss Committee to visit Russia, it was understood, as I was informed by Mr. Zhukov, that Mr. Novikov, who heads the Ministry for Construction of Hydroelectric Power Stations in the U.S.S.R., would be permitted to send a reciprocal delegation to our country.

However, our State Department took the position that the Moss delegation was not an official delegation and, therefore, did not count; that, in order for the Russians to be permitted to come here, another American delegation had to be sent to Russia.

I was quite disturbed and upset when I looked over the correspondence in this case and when I was informed by Ambassador Thompson about what had happened. I immediately cabled President Kennedy asking that this matter be rectified. I thought the Russians should have been permitted to visit our high dams, because the Russians had permitted our delegation to visit their high dams. There was no valid reason why the Russians should have been refused permission to come here.

When I came back to our country, I was surprised not to have received an answer from the President, because I know he usually answers correspondence, particularly when it is sent from abroad.

I detailed one of my assistants, Mr. Fellom, to investigate to find out why it was that the President had taken no action in connection with my cable and that of Mr. Thompson. Mr. Fellom did this the early part of this month. What do Senators think I learned? I found that the cablegram was sent to the State Department, and that neither Mr. Rusk nor the President had ever seen it. It was pigeonholed somewhere.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MOSS. As I previously indicated, I was most distressed to learn that this situation arose. To return to the experience we had in 1959, it would appear now, in hindsight, perhaps, that the requests were being studied at that time.

The Senator may recall that the delegation with which I went to Russia was sent pursuant to the adoption by the Senate of Senate Resolution 48. We had been in preparation for some time. We departed after having been cleared by Mr. Lacey, who was in charge of the exchange desk at the State Department. He had made extensive arrangements

for our itinerary, in which the Army Map Service cooperated. Ours was to be no flash-in-the-pan or surprise visit; it had been prepared over a long period of time. When we left, it was with the cooperation of Mr. Lacey. It was understood that we were the delegation that was to go on the exchange mission to Russia. But when we arrived in Moscow and sought clearance from the Ministry of Power Stations, to make certain that our itinerary was approved by them, for the first time the question was raised: "Are you the exchange delegation?"

We replied, "Certainly; we are the exchange delegation."

The Russians then asked, "How do we know that?"

We replied, "Simply speak to the Ambassador; or we can get the clearance from the State Department. But we are the delegation."

That situation existed for about 24 hours, with their ministries communicating, apparently, with the United States. Ultimately, it was necessary for me to make a telephone call to Senator FULBRIGHT, chairman of the Committee on Foreign Relations, in which I said, "We are in Moscow, and there is a big stir taking place as to whether we are in Russia as an official delegation or not. Will you please communicate with the Secretary of State and have this fact confirmed?"

Senator FULBRIGHT did so. Within a matter of hours, a cablegram was received—I am sure it could be located—verifying that we were the exchange delegation, and that we were in Russia pursuant to the general agreement which had been negotiated. From that point on, we had no difficulty. We visited the places to which the Senator from Louisiana was denied admittance. We made our trip as completely as we had planned it, with one exception, in that we were permitted to visit some extra places, which we had not planned to see. So the arrangements worked out well for us.

In the course of our conversation with Mr. Novikov and members of his staff, we were asked two or three times when the Russian group, which was to visit the United States in exchange, could see certain places—and they named two or three particular places they wanted to see. We had no authority to say whether they could or could not see them; we simply said that, so far as we were concerned, the United States would cooperate in enabling the Russian delegation to visit any of our installations they wanted to see for scientific reasons. We said we felt certain they would be open to the Russians, and that we would do everything we could to facilitate their visit and to make it as profitable for the Russian delegation as the Russians had made our visit to their installations. The Russians went out of their way to give us engineering information and to have engineers explain everything in detail. They loaded us down with technical data about their dams, generators, transmission lines, and all the material we could possibly want.

When I returned to the United States, I wrote a letter to the Secretary of

State, describing our visit and saying that the officials in Russia were desirous to complete the exchange and wanted to see the particular places which I named. All I received in reply was a sort of general letter, acknowledging that my letter had been received. Nevertheless, I have continued since that time—of course, there has been a change of administration since then—to urge the State Department to facilitate the exchange between the Soviet Union and the United States. We have nothing to hide; we have nothing to fear. We are contributing to a misunderstanding, it seems to me, by erecting a kind of wall from our side, when we are constantly urging the Russians to reduce the restrictions on their side.

I have written to Mr. Novikov on two or three occasions, explaining to him that I have been interested to the extent of communicating with the State Department, urging that the exchange be completed.

I was very sorry to learn from the distinguished senior Senator from Louisiana, at the opening of this session of Congress, that this subject was still a sore point and that he had been denied access to some of the places he wished to visit because of the old holdover quarrel which I could see brewing 2½ years ago.

Mr. ELLENDER. Mr. President, I thank the Senator from Utah for confirming the view that the Russian representatives felt that the Senator's group was an official delegation. There is no question that the Senator's group was an official delegation, but the State Department took the position that it was not.

This is not the only instance in which the State Department apparently looked for ways to foment discord between our countries. When I made the first leg of my trip, I traveled from Moscow, to Leningrad, to Minsk, to Kiev, to Kishinev, the capital of Moldavia; then on down to Odessa, from there to Rostov-on-Don, and thence to Stalingrad; in fact, to all of southern European Russia as well as southern Asiatic Russia. The itinerary I had arranged was complied with, except that I was denied a visit to Frunze, which is the capital of Kirghizia.

I was also denied a visit to Tallinn, capital of Estonia, and Riga, capital of Latvia.

While I was on my visit in southern Asiatic Russia and southern European Russia, the second leg of my trip was outlined. I was to go from Moscow to Kuybyshev, to Omsk, to Irkutsk, to Bratsk, to Khabarovsk, and thence to Nakhodka, a port on the Pacific. That was agreed to.

Yet, when I came back from southern Asiatic Russia, I was again confronted by Mr. Zhukov with another cable which had been received from our State Department. This time the visit to our country by a party of natural gas experts was refused. There had been an understanding whereby a delegation of natural gas experts from Russia would visit the United States in return for a similar delegation from the United States being permitted to visit gasfields all over Russia. The United States gas

delegation visited the gas installations all over Russia. I believe they were denied a visit to one small place, and it was explained to me why that visit was denied. The Russian delegation was supposed to come to the United States last May. The visit was postponed to September. But the September visit was also postponed. However, the State Department agreed that should an application be made at any time up to November 15, 1961, the Russian delegation could visit the United States.

When I returned to Moscow through southern Asiatic Russia, in order to have my itinerary confirmed, Mr. Zhukov said, "Senator, your State Department has gone too far. First, they denied our delegation a visit to the high dams; now they are denying them a visit to your gasfields."

The excuse given by the State Department at the time was that the Russian delegation tour was to be conducted by representatives of a gas association in the United States, but that the gas association said it would not be ready to make the tour until April of this year.

I again sent a cablegram to the President and asked him to have the Department of the Interior arrange a return visit for the Russians. The cablegram I sent, through Ambassador Thompson, was pigeonholed; and I believe, up to now the President has not seen those communications. They are still in the State Department. That is something I cannot understand. Evidently there is someone in the State Department who is holding these communications back and trying to make things as difficult as possible in respect to the exchange programs between ourselves and Russia which for the past 8 years I have been advocating. As I state in this report, I think it is shortsightedness on our part if we do not take full advantage of these exchange programs.

As my good friend the Senator from Utah has correctly stated, the Russians were eager to come here and to have us see their installations. Why we should object and make it impossible for their delegations to visit us, I cannot understand. I must conclude that there are in the State Department and in other agencies of our Government groups which like to keep the pot boiling all the time, perhaps to retain their own job. That is why, in my judgment, we are having a great deal of trouble with the Russians. Irritations such as these cause a great deal of trouble, and they give the Soviet leaders a chance to criticize our Government to their own people.

Mr. President, the good Lord knows that I abhor communism as much as any other Member of this body or anyone else in this country or in the world. But for the past 16 years we have tried to fight communism by pouring billions of dollars abroad.

Through June of this year we shall have spent or obligated in excess of \$100 billion in our efforts to fight communism abroad and prevent it from invading our shores and engulfing us. But even after all those expenditures, our relationships with the world as a whole are worse today than they have ever been.

All that I am advocating in my report is that we change our course. The old programs have not worked. We should do what I have been advocating, not only as a result of my latest trip, but also as a result of other visits I have made to Russia and to other parts of the world. In a few moments I expect to read into the RECORD my recommendations. They are not new; I am merely trying to emphasize the things that should be done by us to better our position vis-a-vis our chief antagonists, the Russians.

It has been my privilege as a U.S. Senator to go abroad many times during the past 14 years. I have now visited every country in the world except one—Albania. Yet, I can say without any equivocation that I have never been treated better anywhere in the world than I have been treated by the Russian people. You will note that I said the Russian people and not the Soviet Government. It is my belief that, if possible, we should by all means try to work with the Russian people. This is the weak spot of the communistic overseers of that country.

Anyone who goes to Russia now and visits it, as I have done on four occasions; studies Russian history, and considers how the Russian people lived before the revolution and the physical progress that has been made since the revolution, must be either biased, prejudiced or blind not to see the progress made. You must recognize the progress that has been made. When I say "progress" I point out that it must not be measured by the progress of our country. The Russian people do not live as well as we do, by any means. But when measured by the conditions which existed in Russia in 1917 or in 1928, when the 5-year plans began, and when compared with the situation which exists today in Russia, one must conclude that much progress has been made there.

As I have said, on this trip I visited the major portions of the U.S.S.R. I was permitted to see factories all over the areas which I visited. Great progress in the industrial field has been made since my last visit there, in 1957. There is no question about that. More consumer goods have been manufactured. A little more food has been produced, but the progress in agriculture has not been at the same rate as that in manufacturing.

Mr. President, in my judgment, realistic exchange programs would show the Russian people that there is a better way of life than the one they now have. As I have said many times, this is one of our strongest weapons against world communism. In any fair comparison, our way of life will win hands down. Furthermore, in my opinion, Mr. Khrushchev is the only Russian leader who has in some way responded to the will of the Russian people.

I can demonstrate that by giving example after example to show that more local autonomy is today being given to the Russian people than they have ever had before. I have no doubt that if the people of Russia can be shown that there is a better way of life than the one they now have, they will demand the better way of life, and will get it

under the present regime. Today a great deal of trouble is brewing in Russia against Mr. Khrushchev, because—in my opinion—of the attitude he has taken in trying to respond to the will of the Russian people, as he has done in the past.

I should like to be more specific about what I have in mind in regard to the local autonomy. My 1957 report backs up what I shall say now. In a discussion which I had in 1957 with Mr. Mikoyan, the chief economist in the Presidium, and a member of the Presidium, he stated to me that there was then a great deal of trouble in the country in connection with getting the people of the various republics, the oblasts, and the other subdivisions in Russia, to vote to ratify the sixth 5-year plan. In my conversation with Mr. Mikoyan, I said to him "Mr. Mikoyan, I am very much interested in your 5-year plans. I notice that the sixth 5-year plan has not been adopted up to now. Why is that?"

He said, "Well, Senator, to be frank with you, we cannot get the people in the republics, in the oblasts, and the other subdivisions, to ratify our sixth 5-year plan." All this is in the RECORD, Mr. President; I stated it to the Senate in 1957.

I asked him, "What reasons do you assign for their failure to ratify them?"

He replied, "They complain that they want to have a voice in regard to the manufacture of all the goods that are planned for certain areas in Russia."

I asked, "Why?"

He said, "Because we have failed to give to the Russian people the amount of consumer goods we promised; and they want to retain the authority to manufacture goods, without any interference from Moscow."

What happened? By the end of 1957, 2 or 3 weeks after I returned to the United States, a 7-year plan was adopted by the Russians. What did that mean? It meant that the sixth 5-year plan went on a year-to-year basis for 3 years, so that the people could be assured that more consumer goods would be made. The 7-year plan is composed of 2 years from the sixth 5-year plan and 5 years from the seventh 5-year plan. That is how we get the figure of "7."

Under the present procedure, all the planning is done at the Moscow level, but that planning is done from facts and figures that are furnished Moscow by all the factories—the superintendents and workers of those factories—all over the country. Once those figures are gathered, the capability of each factory is established. If a factory manufactures tractors, for example, and in the past it manufactured, let us say, 15 tractors a day, and that factory is told, "You can manufacture 18 a day," the plan is to make 18 a day.

By the same token, if a shoe factory had made a thousand pairs of shoes a week, and the planners at the Moscow level felt that it should manufacture 1,200 pairs a week, that was the planned amount determined for that factory to manufacture each month of the year. But after the plan is agreed upon at the Moscow level, it is not carried out by

Moscow. Moscow has nothing to do with the execution of the plan agreed upon. This is left to the superintendents and workers in each factory. That is how it is done now. In addition, the needs of the locality are taken care of first, and the excess production over and above the local need is then distributed to other sections of the country.

I repeat, the reason that was done was that the people demanded it, so they could be assured that the manufacture of consumer goods agreed upon at the Moscow level would be carried out by the people on the local level.

To me, that is a significant change in Russia. In my judgment, an evolution, a decentralization of power, is in progress in the Soviet Union.

I found another change of significance. When I was in Stalingrad in 1956, I visited a large factory that made tractors. At that time, the tractors and all parts for the tractors were made under one roof, or complex. There were some 8,000 parts in the finished tractors; and every bolt, wheel, cog, and gear for each tractor was made under one roof.

When I talked to the superintendent and workers, I expressed my amazement that this procedure was followed. I told some of the workers it seemed to me that much of the making of bolts and smaller parts could be done in other localities than Stalingrad, and production could be increased by the use of assembly line techniques. When I went back to Stalingrad last October, to my surprise they were following the capitalistic system of having the assembly done there and having parts made in other sections of the country. So instead of having the 8,000-odd parts made under one roof, only some 1,000 parts are made in that complex; the rest are made in various parts of Russia. Today it is more or less an assembly plant. As a result, more and more tractors are being constructed.

I do believe, as I said earlier, if we can only show to the Russian people that the capitalistic system is more efficient, we will create much trouble for the Soviet leaders. I do not believe it would hurt to have them come and visit us in this country. Many people complain that they would engage in sabotage. I say to Senators that we ought to let as many Russians come to this country as desire to come, so they can see what we have. We should not be ashamed of it. In order to protect ourselves against sabotage, if necessary, I would advocate having an FBI man go around with everyone who came here. It would pay us to go to that expense. We must show them that there is a better way of life than that which they have now. The only way I can conceive of our being able to do that is to let them come to this great and bountiful country and see for themselves. I am satisfied that, if they can ever be shown, they will make demands of their leaders.

It is my considered judgment, resulting from my visits there, that what has kept Mr. Khrushchev going at the speed he is proceeding now is the fact that in 1957, Sputnik I went up. That feat gave Mr. Khrushchev and his policy a fine

boost. When Messrs. Gagarin and Titov were put into orbit, that gave him another big boost. In my judgment, those events took away from the minds of the people the troubles now going on in Russia, and believe me when I say there is much trouble brewing there. Those troubles are more or less personal. They relate to the people themselves, in that today the people of Russia are not receiving wages in keeping with their cost of living.

My report will show—and I shall not take the time to read it—that I visited many factories. I always asked what the average wage of a factory worker was. I asked what the highest pay, the lowest pay, and the average pay were. Those facts appear in this report. It will be seen that the average pay all over Russia is from about 95 to 105 rubles a month.

What does that mean in American dollars? When I was there in 1957, tourists could obtain 10 rubles for \$1. The first time I went there, in 1955, the ratio was 4 rubles to \$1. But now a ruble costs \$1.10. In other words, a ruble is worth 10 percent more than an American dollar.

A person receiving 95 rubles a month would receive \$104.50 in our money.

I wish to discuss the cost of living. The only cheap foods in Russia are cabbages, potatoes, and bread. When I say "cheap" I do not mean they are by any means as cheap as they are in America.

In the wintertime, which lasts for a long period, potatoes range in cost from 5 cents to as much as 8 cents a pound, in our money. Bread costs about 20 cents for a 1-pound loaf.

Fifty years ago, back in my hometown of Houma, I used to be a clerk, in a small country general store. I sold sowbelly at 4 cents a pound. Now if a person goes into a store in America to buy sowbelly, he will pay about 36 cents a pound for it. In Russia sowbelly is \$1.40 a pound.

A little scrawny chicken, weighing not more than 3 pounds, costs \$4.50. That is \$1.50 a pound.

A skinny turkey, weighing about 8 pounds, sold for \$11 American money. All of that is stated in the report, including where I saw it and the names of the markets involved.

Mr. LONG of Louisiana. Mr. President, will my colleague yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. When the Senator talks about the cost per pound, is he talking about a chicken dressed or a turkey dressed?

Mr. ELLENDER. No.

Mr. LONG of Louisiana. On the hoof, so to speak.

Mr. ELLENDER. They are not eviscerated. The feathers have been plucked, but they have not been eviscerated.

Mr. LONG of Louisiana. They are not cleaned.

Mr. ELLENDER. That is correct. The neck is not even chopped off. The head and everything else remain. Only the feathers are pulled off.

Let us consider the cost of meat in Russia. Some people say there is no competition in Russia, since the state owns everything and since the collectives

are operated through a state agency, and that the prices ought to be uniform. That is not true. In Moscow, for example, one can go to a state store to get meat at \$1.10 or \$1.15 a pound. In a collective store, where one can get fresher meat, or in a store where the collective sells for the farmer who produces it on his own little plot, one might pay from 40 to 50 percent more for the meat, because it is fresh.

The meat may be pork, beef, lamb, or mutton. It is all about the same price, and the price is near \$1.75 a pound.

When a customer goes to a store to buy some meat, as I point out in the report, the first thing the customer must do is to note the price of the meat. If the price of the meat is 4 rubles for a kilo—a kilo being 2.2 pounds—he will then go to the clerk and pay his 4 rubles and get a receipt for the 4 rubles. He then takes his receipt to the butcher. The butcher does not permit him to select the meat he wants, but grabs the piece of meat hanging before him and cuts off what he thinks will weigh 2.2 pounds. If it happens to weigh 2.3 pounds instead, the butcher does not ask the customer, "Will you pay a little extra for this extra meat I have cut?" No; he cannot do that. The butcher must take from the customer's purchase a little sliver. If the first sliver he cuts off is not quite enough, he must cut off another. He will cut off as many slivers as necessary to be sure that the amount of meat sold is 2.2 pounds.

On the other hand, if the piece of meat does not weigh quite 2.2 pounds, the butcher will then cut a sliver from the big chunk of meat, to add on, until the weight is exactly 2.2 pounds.

I have never seen so many clerks anywhere else as I saw there. I have often reflected that it is no wonder there is no unemployment in Russia. There are too many people doing the same thing in stores. Particularly in keeping accounts and the handling of goods. One has to see to believe.

I go back to the proposition that in Russia today, with the small amount of money paid to the worker, dissatisfaction is bound to mount. It is my belief that this discontent could be accelerated if only we would permit the Russians to come to America and show them how we live, how much our people have as compared to what they have.

Mr. McNAMARA. Mr. President, will the Senator yield for a question?

Mr. ELLENDER. I yield for a question.

Mr. McNAMARA. I think the Senator has established some things very clearly on the cost of living in Russia. I believe at this point in the Senator's presentation it would be interesting, though the Senator no doubt covered it in his report, to know something about the housing situation. Housing is a great part of the cost of living. Could the Senator give us briefly his reaction in regard to housing?

Mr. ELLENDER. I have stated that in the report, but I shall be glad to highlight my findings in this field.

First, as I recall the last figure, approximately 19 to 20 percent of the

average salary of a U.S. worker is required for food and clothing. In Russia 80 percent or more of what the worker makes is required to pay for food and clothing. In many cases it takes 100 percent of what the entire family earns. Not only does the head of a family work, but also the mother and many of the children have to work. I found no Russian family who told me the amount necessary to buy food and clothing was less than 80 percent. It was always 80 percent or more.

In respect to housing, I noticed a great difference in housing facilities which have been built since 1957. I saw a number of apartments now being rented, in which bachelor quarters have a bedroom, a nice little kitchen, a bathroom, a toilet, and a clothes closet.

Also, there were two-bedroom apartments with the added facilities, kitchen and so on. I have seen a three-bedroom apartment, with gas and electricity, furnished, which rented for as little as 9 rubles a month. The average is about 7 rubles a month. The rentals for apartments are very cheap in contrast to our own.

In America, as I remember the figures, it takes about one-fifth or 20 percent of the average person's salary to pay the rent. In Russia from 3 to 5 percent of the salary is required for payment of rent.

Mr. President, it is my hope that Senators will read the report. As I said at the outset, I am suffering from a condition in my throat, which might be a good thing, because I could talk from now until tomorrow morning about my trip. Of course, I do not wish to do so.

I went to a great deal of trouble and hard work to do the best I could to bring before the Senate and the American people a clear picture of conditions as I found them in Russia. When I left Washington a few of my colleagues who knew I was going admonished me that I should not go. One of them even went so far as to say, "Senator, we need you here badly. You should not go."

I said, "Why?"

He replied, "Because you might not come back. They may take a shot at you."

Of course, nothing like that happened. I am not going to name the one who made that statement, but I say to him that it is my belief—and I make this statement without fear of contradiction—that a couple is as safe walking the streets of Leningrad or Moscow as in walking the streets of Washington, D.C., or perhaps safer. I make that statement without fear of contradiction, because I have walked those streets alone, not only in Moscow and in Leningrad, but in other places within the Soviet Union, and I was not followed by anyone. I was not stopped from taking pictures or anything of the sort.

I believe that more Senators and Representatives should visit the Soviet Union in the hope that there may develop a new approach for a better understanding of each other between the peoples of the two countries. I think the sooner such an understanding is reached the better off we shall be.

I believe it is useless for us to try to reach agreement with Russia on anything so long as fear exists on both sides of the so-called Iron Curtain. The Russians fear us; we fear them. Unless that fear can be dispelled, I cannot see any hope of agreement on the solution of any serious problems. I do not know of a better way for us to accomplish that objective than through a realistic exchange program.

At this point I should like to read into the Record my recommendations. I presume I shall be criticized for these recommendations, but that does not matter. I have made similar recommendations before. I made them in 1955, and I repeated them in the last pages of my report in exhibit 14. I am very hopeful that a little more attention will be paid to my recommendation than has been the case in the past. I sent to the State Department my detailed reports containing all the original data, which had a great deal of classified material. What happened to that material I presume is what happened to the messages I sent to the President last October and November. They were undoubtedly pigeonholed. No one looks at them.

I repeat that I hope Senators will read the report. If in the future, any Senator desires to ask questions about the report or wishes further details concerning it, I will cheerfully respond. These conclusions and recommendations appear on pages 163, 164, 165, and 166 of my report.

#### CONCLUSIONS AND RECOMMENDATIONS

Throughout the U.S.S.R. there has been a significant change in the administration of its controlled economy, particularly in the manufacturing industries. The ministries on the Moscow level that formerly initiated, promulgated, and executed all plans for industry have been abolished. There has been substituted the GOS-PLAN, a group which gathers all data as to the capability of all industrial plants throughout the U.S.S.R. and fixes the amount of production for each plant, after consultation with those in charge of actual production at each plant—the manager and workers. After production goals have been agreed upon, they are left in the hands of the local plant manager and the workers for fulfillment, with no interference from Moscow.

In addition, the planned production is so distributed that the needs of the people where the plants are located are first provided for, and the rest of the production is distributed through other parts of the U.S.S.R. through a ministry on the Moscow level.

This decentralization has meant a small degree of autonomy and has resulted in expanded production everywhere. Let me emphasize that this change did not come about because the leadership desired it, but because the people demanded it so as to assure them more consumer goods.

Another change I found significant was that in many areas there has developed some semblance of the assembly-line techniques which have proven so successful in our own country. On my

previous visits, I noted that in almost all instances, all parts for any manufactured commodity were made under one roof—that is, in a single factory. Today I find many small Government plants erected in various sections of Russia to produce parts for automobiles, tractors, combines, and other like commodities. These parts are sent to assembly plants, where the finished tractors, automobiles, combines, and other manufactured articles are being turned out. This, too, has resulted in a spurt of increased production.

Significant changes have also taken place on the collective farms. Prior to 1957, a collective farm was completely dependent upon an MTS, a machine tool station owned and controlled by the Central Government, for equipment to plant, cultivate, harvest, and transport all commodities. Under that system, collectives were forced to sell as much as 75 percent of those crops, at a fixed price, to the Government, in advance of production. All that has been changed. Collectives can now purchase and own their own equipment, and all they produce is sold on the open market. I find that even under communism prices fluctuate considerably, depending upon the supply in relation to the demand.

Although I found more food and clothing—in fact, more consumer goods available to the people than on my last visits, most goods are still in short supply. There is considerable discontent, primarily because prices of goods available are high in comparison with wages earned. Even though the disparity in wages and the cost of living is not as marked as on my previous visits, many of the people must still spend their entire earnings for their minimum needs in food and clothing.

I find that no effort is made to assist the individual worker by providing wage incentives, luxury items, and the like. He is helped in a collective way as in the past, by providing for general benefits such as better schools, more hospitals, elaborate cultural centers, spacious parks, and the like. Few workers, I am informed, are enthusiastic or really interested in 10- and 20-year plans. As I pointed out in my diary, and as I have stated many times before, even though it is true that the lot of the average Russian has been greatly enhanced in a physical sense, still he desires more improvement in his standard of living, and I doubt that he will continue to be satisfied with promises of a better life years hence. He has been hearing that tune for many years now, and I doubt that he will much longer be reconciled by it. In short, it is my belief that unless the Russian leadership takes steps now to provide higher pay for factory workers, or in the alternative to lower the price of consumer goods, including food and clothing, discontent will become more and more apparent.

First, I again recommend an expanded and realistic exchange of persons program with the U.S.S.R. We should lean backward in our efforts to promote such a program.

This exchange should not be promoted on the basis of an exchange of one Russian for one American, but I advocate

that we permit as many Russians to visit us as desire to come. Care, of course, must be taken that the exchange be bona fide, and not used as a means for infiltration of our borders by Soviet agents. I believe we can insure ample safeguards against infiltration by exercising proper precautions. Visits to our country by Russians from all walks of life would give them an opportunity to see at first hand what a free society has to offer. By the same token, visits to the U.S.S.R. by Americans in all walks of life would give them the opportunity to learn at firsthand what a totalitarian form of government has to offer.

Second, I recommend that unnecessary travel restrictions in our country and the U.S.S.R. be lifted. Any area in our country that is not closed to foreign diplomats should not be closed to diplomats from the U.S.S.R. The same rule should apply to our diplomats in the U.S.S.R. Too often have I observed that areas in the U.S.S.R. opened to British, Italian, French, and other foreign diplomats are closed to American diplomats.

Third, I recommend some trade and a restoration of commercial contacts between the United States and the U.S.S.R.

There was a time when the U.S.S.R. was short in supply of certain minerals, but that condition no longer exists. Now the U.S.S.R. possesses a vast storehouse of strategic materials, and it seems to me we are only cutting off our noses to spite our faces by refusing to trade with Russia, when all other countries of the free world are doing so.

Fourth, I recommend that in dealing with the Russians we continue to "exercise the patience of Job." As I have pointed out, they have always been suspicious of foreigners and difficult to approach. We should by all means endeavor to gain their confidence, else we will never be able to reach agreement with them on any grave world problem. Too often we have bickered with them over trivialities.

Mr. President, in this connection, I went to a great deal of trouble in the study of Russian history. I have placed in the appendix of my report a summary of the development of Russia from its earliest beginnings to date to show that the suspicion which now exists among the Russians is nothing new, and that their outlook with respect to religion has likewise existed for a long time.

Fifth, I recommend that all propaganda efforts, through the Voice of America or any other medium, remain completely objective and positive in extolling the virtues of democracy. In other words, as I have stressed before, we should objectively depict the great advantages that our way of life has to offer, without disparaging or criticizing theirs. As I pointed out before, the Russian people have attained, under the present system, a much better way of life than ever before. Our objective should be to show them the superior virtues of ours.

Sixth, I recommend that we offer the same advantages to the Russians in our exchange programs as we provide for the countries of the West. After all, we

are supposed to have the West on our side already, so why not try to win over our chief antagonist? Would it not be better to attain our goal in that manner than to continue to spend ourselves into bankruptcy?

As I pointed out before, we have an exchange program on the statute books today under which we spend between \$50 million and \$55 million. Most of that money is spent with the British and French and Italians—our so-called allies. Of that huge sum less than one-half million dollars is spent on the Russian people and on citizens from other countries behind the Iron Curtain, yet, I believe this is where we need the program the most.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. LONG of Louisiana. It was my impression—and I ask the Senator to correct me if I am in error—that originally the Bolshevik system was established on the theory that every workingman should earn exactly the same amount regardless of his place in society; in other words, a plant superintendent would earn the same amount of money as the commonest laborer in the plant.

My impression is that the Soviets began to believe that that system, which was in accordance with the pure theory of communism, did not work very well, because it failed to provide the incentive that made one man strive to do better work day in and day out. It is my impression that that system was changed some years ago, and a system conforming more to our own theory, and which incidentally contains some elements of capitalism, was set up. It is my further understanding that now the difference between what a plant worker earns and what the foreman of the plant makes is very great.

Mr. ELLENDER. The Senator is correct. I have found, in talking to doctors, engineers, and mechanics that some doctors earn as much as 1,000 rubles a month, an engineer 800 rubles a month, and a mechanic 700 rubles a month. The mechanic can purchase for himself and his family all the food and fiber that is available out of his salary of 700 rubles. However, the doctor who earns 1,000 rubles has no place to invest this extra money; nor the engineer, who gets 800 rubles. As a result, a great many of the better educated people are wondering, "Why should I spend so much time at school in learning to be a doctor or an engineer, when a mechanic who has spent half the time I have spent at college or school can earn enough to satisfy all his needs of food and clothing?"

On this trip and on past trips I tried to find out whether the person who earns extra money over and above what he needs to buy the food and fiber that is available could invest that money anywhere. I found three ways in which he could invest it.

First, he could invest it in a savings bank. These banks lend money to people whose salaries are not high and who need a few rubles to help them make special purchases. The savings

banks pay 2 to 3 percent interest, on deposits.

The second and third ways are lotteries. The first form of lottery is a national lottery run by the Government. A person can buy as many tickets as he desires and pays about 30 kopeks for each ticket. That is about 30 or 35 cents in our money. If he happens to pick the lucky number he wins quite a large sum of money. If his number does not turn up, he loses. That is one form of lottery.

The second form of lottery works in this way: A person buys as many tickets as he desires. Assuming that the tickets sell for 50 kopeks apiece, he can buy a 50-kopek ticket and must also pay a 3-percent insurance fee on the 50 kopeks, which would be 51½ kopeks. Every year the lottery is drawn. If he fails to get the lucky number, the 3-percent insurance fee sees that he gets his original investment back. The interest or insurance that is paid by all those who buy tickets goes to make the pot, less expenses, which the lucky winner gets if his number is drawn. So the Government gets the use of this money in its banks, without interest. The investor puts up the insurance or interest in advance, and he loses it if his number is not drawn. So those two lotteries and the bank investment are the only methods by which the people in Russia can have their money work for them.

I believe that Russia is the only country in the world where such conditions exist. The Government is supreme and all powerful. Everything is owned by the Government. Every acre of land is owned by the Government. No person can own anything, not even a square inch of land, except the clothes he wears and the little food he buys. If he makes enough money to be able to buy an automobile or a television or a radio, he can do that if any are available. In order to be even a bootblack in Russia, it is necessary to work through the Government. In order to be a barber, it is necessary to work through the Government. One cannot be a taxi driver or own his own car so as to engage in the business of taxi driving unless he operates through the Government.

If the people of America could go to Russia and see these things for themselves, they would not want any part of communism. That is why I often wonder why some people in the United States are afraid of communism or of coming in contact with it. I do not believe that any person who has known the fruits of liberty and our way of life would ever succumb to the lure of communism after he has seen how it actually operates. I wish more Americans would go to Russia and see how the system operates. They would come back to America, the same as I have always come back, abhorring communism more and more. The more I go to Russia and see communism in operation, the more I abhor it.

That is why I say that if we could get realistic exchange programs in operation, we could probably do a better job in combating the spread of world communism than by spending ourselves into

bankruptcy pumping money into the economics of countries that I sometimes call unworthy allies.

Mr. LONG of Louisiana. Is it not also true that the Soviet Union has made some moves in the direction of permitting the workers on state farms, or at least cooperative farms, to have a little land of their own in order to enable them to raise some of the produce they need, and that that would belong to those who raised it, rather than belong to the Government?

Mr. ELLENDER. The Senator is correct. I point that out in all my reports.

Mr. LONG of Louisiana. All of those things are encouraging, in that they are significant signs which indicate that the same things which motivate the American people tend, at heart, to motivate the Soviet people; and that the Russians in considerable degree are pressing, so far as they have the power to press for them, the very kinds of things we have evolved in our country. I am inclined to believe—and the Senator has helped to persuade me in my belief—that we cannot be self-righteous about these things. The Senator is saying, is he not, that the best way is to let the Russians see what we have here, and let them figure things out for themselves?

Mr. ELLENDER. Exactly. Since the Senator has raised the point, I should also say that I learned something significant on this trip while visiting a state farm outside Irkutsk, near Lake Baikal. That state farm contains around 75,000 to 80,000 hectares. A hectare is 2½ acres. Formerly this huge state farm was composed of nine different collectives. The collectives were asked to join themselves into bigger collectives, and they did so. Instead of nine collectives, they consolidated themselves into three collectives. Later the three became a state farm. But before they consented to become members of the state farm, they demanded to retain their little plots, so that they could plant them for their own benefit. Those are the exceptions which are taking place all over Russia today.

These little plots are being retained, and the workers not only produce food for themselves from the plots, but also sell quite a bit of the food. I visited a collective which was near the base of Mount Ararat, in Armenia. I visited one of the many home gardens. It was located on a plot of about three-quarters of an acre. The owner could raise as many chickens, sheep, hogs, or cows as he desired. He was even able to buy feed in order to raise more chickens to sell on the market.

Today the food produced on the small home gardens or plots accounts for 10 or 12 percent of the food produced in Russia. All of it is grown by the individual farmers and is sold by them either directly or through a collective, and all the profits go to the farmers. In my opinion, more and more of that activity would develop if only the Russians could visit us and learn from us what it means to work for oneself, to be your own boss.

Mr. LONG of Louisiana. Does the Senator think it might be constructive for the people of the United States to know what is taking place in the Soviet

Union, so that so far as the Soviets have something which they have found a way to do better than we are doing it, whether it be the planting of trees or anything else, we could learn about it and try it in the United States, to see whether it is any good?

Mr. ELLENDER. I am glad the Senator has asked the question, because it reminds me of a little incident which took place at Stalingrad. I met a very intelligent agronomist there. He is a forester. He had just returned from a visit to the United States 3 or 4 months earlier. At times it is quite warm around Stalingrad. Strong east winds erode the land considerably. The rainfall there is under 20 inches annually. The Russians have discovered a way to retain the moisture and prevent wind erosion by growing tree belts.

The Russian agronomist said to me, "Senator, I visited your country. I learned much. However, we prepare our land much better than you do for the planting of our trees." I believed him, because very few trees die there. The Russians take good care of them. I saw some trees which had been planted only 2 or 3 years previously, which were probably twice as large as trees which had been planted in our country for the same length of time. The trees in Russia are better taken care of on an individual basis. But his statement to me was—and he had observed the situation—that the Soviets take more trouble to prepare the soil to plant trees than we do. Although my notes show that I did not agree with him, I am willing to admit now that they have planted their land better than we have with tree belts.

Although the Russians are doing a good job in that respect, and they are learning from us, we ought to continue to invite them to this country to let them see what we have. To me, that is the best way to fight communism, to meet it head on. We will never accomplish anything in opposition to communism if we bury our heads in the sand and ignore it. Nevertheless, I must admit that communism has accomplished for 220 million people a good deal more than I have seen in other countries governed by monarchs and other rulers, in which there were but two kinds of people—the rich and the very poor. The point is, that our way of life can do even more for these people than communism, and this is what we must sell.

As my colleague pointed out a while ago, it is true that at the beginning communism was supposed to treat everyone alike. But they are veering away from that. Today some apprentices are paid as little as 45 rubles a month, and some factory workers are paid as little as 75 rubles a month. In Leningrad, I met a man who wanted to talk to me. He followed me around for quite a while, and waited until I reached a little park not far from the hotel. When I sat down there, he sat next to me. He wanted to know about America and about conditions in America. I asked him, "What do you do?"

He said, "I am a translator."

I asked, "How old are you?"

He said, "I am 27 years old."

I asked him, "Are you married?"

He replied, "No."

I asked, "How much salary do you earn?"

He said, "95 rubles a month."

I asked, "How much education do you have?"

He replied, "I had 10 years in the preparatory school and 4 years in college."

I asked, "You are being paid only 95 rubles a month?"

He said, "Yes."

Mr. LONG of Louisiana. That would be about \$100 a month, would it not?

Mr. ELLENDER. Yes, or about \$103 a month.

Then I asked him, "How much tax must you pay out of the 95 rubles a month?"

He said, "13 rubles a month."

I asked, "What do you pay that for?"

He said, "Because I am a bachelor, and I must pay the bachelor tax of 7 rubles, and also 6 rubles as income tax—13 rubles altogether."

I asked, "Why don't you get married?"

He replied, "Because it is cheaper for me to pay the 7 rubles bachelor tax than to feed a wife."

That man had been out of college for 4 or 5 years. As a translator he was earning only 95 rubles a month, and he had a tax burden of 13 rubles. He admitted to me that he was having a hard time making ends meet, even though he received a little help from his father and mother, for he was living in their home, more or less rent free.

I found many others in a similar condition—many Russians who were anxious to talk to me, and who talked to me individually. Every now and then, someone on the streets of Leningrad would ask me, "Parlez vous francais?" or I would be asked whether I could speak Spanish. The moment they learned I could speak either French or English, they would wait for a convenient time, and then talk to me. We conversed a great deal about America. In addition, I visited many schools and talked to the children there. All were interested in America.

So, Mr. President, we have a golden opportunity to show off our Nation to the Russian people; we have here a great showcase filled with the fruits of our way of life we could exhibit to them. We should do that by all means. I have been advocating it for the past 7 or 8 years.

Mr. President, on this trip I visited Japan. I think I am the first American who, since the Russian revolution, in the course of a trip around the world, has passed through the entire length of Russia, including Siberia, in returning to the United States. After leaving Moscow, I passed through all of Siberia, and reached the Sea of Japan, at the port of Nakhodka. There, I boarded a Russian ship which took me to Yokohama. The ship was 310 feet long, and had a complement of 110 people, 40 percent of whom were women—cooks and maids who worked on the ship. There were only three passengers—two Japanese and myself. So I traveled by ship to Yokohama. That trip from Nakhodka to

Yokohama marks the first time in my seven trips around the world that I traveled by ship rather than by airplane.

Mr. President, I wish I could tell the Senate all that I found in Japan in terms of the assistance we are now giving that country—assistance which I think we should not now be giving Japan, for Japan is now better off than she has ever been before. Yet we are contributing quite a bit—in the form of military assistance—to her economy.

I also visited Formosa. I wish to take off my hat to Chiang Kai-shek. He has done a good job there, and Formosa is now a beautiful island. It is a nice place for tourists; and if any Members of this body desire to spend a good summer or even a good winter, I advise them to visit Taipei. Formosa is a beautiful island. We have spent in excess of \$3 billion there, I believe. The economy has grown considerably, and we are gradually lessening the amount of our aid to that area of the world.

From there I went to South Vietnam. I had been there three times before, and on those three previous visits I had had occasion to talk to President Diem. But he would not see me this time—why, I do not know. Much dissatisfaction exists in Vietnam, and much trouble is brewing there. But in my judgment, that trouble stems from inside the country. In South Vietnam there are two areas and two tribes which President Diem has never been able to subdue. One is located, as I recall, northwest of Saigon, and the other is in the southern part. These dissatisfied tribesmen invite some of their North Vietnamese friends to come help them; and most of the trouble that is occurring now in South Vietnam stems from this. Of course, Mr. Diem has asked for more money from us, and has obtained it. It strikes me that it is high time for us to reevaluate our assistance program in that area.

I also visited Vientiane, the capital of Laos. In that capital a fight is going on between three brothers, in their attempts to obtain power. The "outs" are trying to get "in" to get "on the gravy train." We are supporting one of those brothers. The other two are fighting their own brother, in their attempts to "get into the saddle." There, again, Mr. President, all the difficulty results from internal dissensions among the three brothers. The head of the Pathet Laos, which is the Communist Party within Laos, has an army that is a little weaker than the army of the prince we are supporting, and does not have to solicit too long before obtaining aid from North Vietnam. But all of it is done from within, Mr. President. It strikes me that every effort should be made to make that country neutral—not to make it pro-West, because that is where the mistake was made, when we made efforts to make Laos a pro-Western country. That is where we got into trouble.

In Cambodia the Prime Minister is doing well for himself, I think, in getting aid from everyone; but in that area, we are "the bad boys." Why do I say that, Mr. President? As I point out in my report, in my visit to Cambodia, I found that the Chinese have furnished the

Cambodians a little more than \$40 million, and with that money the Cambodians have built four manufacturing facilities. One of them is a plywood mill. Another is a textile mill. Another is a paper mill for the manufacture of cardboard for boxes and wrapping paper. The fourth is a cement plant. All those facilities have been built by the Chinese, and are producing commodities for the Cambodians, and give the Cambodians work.

The Russians have built a fine hospital there. But what have we spent our money for? We have spent almost \$200 million in equipping a large army for Cambodia. Mr. President, why do you think Cambodians want the army there? So they can remain neutral. I think we have spent entirely too much money to maintain an army in Cambodia to maintain neutralism. I think our money has been wasted there. I have not found greater gougers anywhere than I found in Cambodia. Money is simply being wasted. We have there a USIS office, with a total of nine officers scheduled for fiscal 1962. The public affairs officer is a person by the name of Mr. Darrell Price, according to my memory. He is not responsible for the situation there, but the annual rental we pay for a place for his family to live is \$10,332. I think it is shameful for us to pay that kind of money in light of the amount of money we are spending in Cambodia.

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. DWORSHAK. I recall that 5 years ago last fall I had the pleasure of traveling several weeks with the Senator from Louisiana through Japan, Taiwan, South Vietnam, Laos, Cambodia, and Thailand. I have not heard all of the report the Senator is delivering today, because I was downtown, shortly after noon, attending a conference, but I shall read his written report.

I would like to interrogate the Senator on the basis of making a comparison between what we found 5 years ago and what was true last fall. Have the Communists gained a stronger foothold and are they wielding a stronger influence in southeast Asia? Because of the billions of dollars of foreign aid which the U.S. Government has expended in that area, is the situation improving so far as the United States and its prestige are concerned?

Mr. ELLENDER. They are much worse. They have grown much worse.

Mr. DWORSHAK. There has been a constant deterioration in the last 5 years?

Mr. ELLENDER. As I have pointed out, we have spent \$1½ billion in South Vietnam. Prosperity reigns there as it never did before. The Senator would not recognize Saigon any more. They built a hotel there. Now when one wants to get a room in a little place like Saigon he has to pay a high price. I had to pay \$25 a day.

Mr. DWORSHAK. They must have learned the Senator was an American.

Mr. ELLENDER. Possibly so. That was done by a few Frenchmen and a few rich Vietnamese. There is prosperity in South Vietnam today. The people are

much better off than they have ever been. It would seem to me, since we have helped bring about prosperity, the people should be satisfied; but they are not. There are two areas there which Diem has been unable to get together. The fighting going on there is internal; the "outs" of government are trying to oust the "ins" in the Government.

Mr. DWORSHAK. If what the Senator says is true—and I am sure it is—that the situation is becoming more difficult for us to cope with and we are losing our prestige, then would the Senator recommend that the time is long past due when we should have a complete reappraisal of our foreign aid program, both from an economic and military standpoint, in southeast Asia, or should we continue to spend huge sums of money so that, sooner or later, the United States will lose out completely in southeast Asia and make it possible for the Reds to move in and take complete control?

Mr. ELLENDER. Mr. President, I intended to read into the RECORD—and I think this is a good place to do it—my conclusions as to that area. Those conclusions appear at page 165 of my report, beginning about the middle of the page. I read as follows:

The record shows that by June 30 of this year, 1962, the United States will have spent a total of well over \$100 billion in foreign assistance since the inception of the Marshall plan in 1945. Of this huge sum, approximately \$13 billion has been spent in the countries of the Far East and southeast Asia covered in my report; namely, Japan, Taiwan, Hong Kong, South Vietnam, Laos, Cambodia, Thailand, Burma, and the Philippines. Adding to this the \$4½ billion spent in Korea for rehabilitation and its military requirements, a total of almost \$17½ billion has been poured into the countries of the Far East and southeast Asia by a magnanimous Uncle Sam. With such an outpouring of American dollars into these areas, one would think that by now all of them would be on a sound basis, economically, and that they would be fully convinced that their best interests lie in maintaining close ties with the United States.

With the exception of Taiwan, what do we find? Despite the tremendous "shot in the arm" given to the economies of each of these countries, despite our efforts to help them solve their financial ills, despite our unselfish attempts to bolster their military strength, our prestige throughout southeast Asia continues to be at low ebb, and the only thanks we receive, in most instances, is a threat to go over to the Communist bloc unless we continue to extend aid or even increase our total effort.

We have done all this with virtually no help from our allies in Western Europe. In Korea, in Laos, in Thailand, in Taiwan—in fact, in all these countries we have borne the burden of assistance, not only in dollars, but in men and material where military assistance has been granted.

If this tremendous effort had been successful, we would have no regrets whatsoever for the sacrifices made. But let us take Laos, as an example. That country is more than ever wracked by internal disturbances, and we seem unable to bring any influence to bear in the settlement of differences between opposing factions. To add insult to injury, some of the material which we furnished there is being used in opposing the forces with which we have now become definitely allied. In South Vietnam, as another example, there is still boiling dis-

content which threatens to erupt at any moment, and the acknowledged leader of that country appears to be almost completely indifferent to our good opinion.

To say that the developments in South Vietnam and Laos as a result of our assistance in that area are disappointing is putting it much too mildly—to me, the developments are shocking and disheartening.

I wish to emphasize what I have said before when I visited these areas of the world—sooner or later we will have to face up to the situation. In my view, there are only two alternatives—either we can go on spending and spending, and in the process ravish our own economy and our resources; or, we can come to grips with reality and alter our course in the Far East and southeast Asia.

Of course, there are those who say we have no alternative, that if we do alter our course, then those nations will go all the way toward communism, and they will be completely lost to the free world. If this view is correct, then why is it that we are the only ones who see the danger? Where are our allies of the free world? Should they not be giving us financial and military support?

Now listen to this:

Therefore, I recommend that every effort be made to obtain help from our allies, and falling in that objective, we consider a gradual withdrawal of assistance in all fields.

That should be done starting now, unless we can get our allies to assist:

In the above I am merely reemphasizing recommendations I have made before and I call attention to the appendix exhibit 14, page 333, for further details of recommendations heretofore made by me, not only as they relate to the U.S.S.R., but as they pertain to our programs on military and foreign aid throughout the world.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point my formal recommendations on three previous trips that I made, with particular reference to the Soviet Union.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

#### PREVIOUS RECOMMENDATIONS

This might be a good time to review some of the comments I made following my previous visits to the Soviet Union. Following my 1955 trip I submitted a report to the Senate Appropriations Committee, which included a résumé of my meeting with Anastas Mikoyan. The report read as follows:

" \* \* \* I stated that I believed a more cordial relationship between the U.S.S.R. and the United States was desirable and that this goal was obtainable through the medium of increased exchanges of visits involving industrial, agricultural, and similar delegations. I pointed out that I had been in the U.S. Legislature for nearly 19 years, during which time I had voted billions of dollars to help defeat Hitler in the common cause with U.S. wartime allies.

"I told Mr. Mikoyan that the American people find the mutual suspicions which characterize United States-Soviet relations strange and not in keeping with wartime relations. I said that I felt that these suspicions, and strained relations were due in large measure to misunderstanding. I expressed the belief that frequent exchanges of visits would do much to eliminate these misunderstandings and that while the United States would not expect the Soviet Government to open its arsenals to American inspection, nevertheless I felt that if there was an increase in the movement of Soviet citizens visiting the United States the Soviet people would be able to clear away their suspicions about U.S. intentions. I stated that I came as a humble American citizen to express my

thoughts to Mr. Mikoyan in the hope that something good would come of my visit. I added that if Mr. Mikoyan cared to make any comments on my statements I would be glad to hear them.

"Mr. Mikoyan replied that he fully concurred in my statements and that he felt that the American and Soviet peoples had no differences on points of view expressed by me. He stated that the type of system pertaining in individual countries was a matter of choice of the people involved.

"I replied that so far as I knew, the American people as a whole don't care about the system prevailing in the Soviet Union and regarded that as the business of the Soviet people. I did state, however, that somehow the American people have the idea and are concerned that the U.S.S.R. is spreading a doctrine which is harmful to American interests, and that I felt that relations between the two countries would be much more cordial if this fear could be dispelled. I stated that the American people may be wrong in this assumption but that there was, nevertheless, much evidence that the assumption was correct."

" \* \* \* Mr. Mikoyan asserted the belief that if 100 Americans came to study in the U.S.S.R. and returned to the United States that this would not result in the establishment of a Communist regime in the United States. He said that the question of communism versus capitalism is a matter for peoples and not for governments. He said that governments cannot impose doctrines and asked what the Soviet Union can do if people read Communist literature. He said that he thought the differences of opinion and strained relations were the fault of the United States and asserted that the more you attempt to prevent the spreading of a doctrine the more you actually contribute to the propagation of it.

"I explained that in America the rank and file of Communists are not molested, but that the Government is protected by law against those who attempt the violent overthrow of our governmental system. I told him that the views expressed by the imprisoned American Communist leaders to which our Government objected had been obtained from the U.S.S.R.; that these Communists had certainly had a fair trial which lasted 8 months, but that the evidence was clearly against them.

"Mr. Mikoyan rejoined that he did not wish to approve or disapprove of the actions of the U.S. Government versus the American Communists. He stated this was not his concern but that of the United States. He added that it was extremely possible that there was a connection between the ideas expressed by the American Communists and the Soviet Union, but that he could not control this. He said there can be no frontiers to ideas. I stated that the American people and our Government do not object to the idea of communism in a country, but do object to any attempt by a country to impose these ideas on others by force. Mr. Mikoyan repeated that this entire affair did not concern the U.S.S.R. I remarked that many Americans had been informed, through various sources, that the peoples of Poland, Czechoslovakia, Rumania, and Hungary, frequently referred to as satellite states, were not free and that communism had been imposed on them by the U.S.S.R. I stated that if this were true, that if the U.S.S.R. had anything to do with the establishment of the governments in Eastern Europe, that this was the type of thing which caused concern and fear in the minds of American people, and that anything that could be done to dispel this fear would lead to improved relations between the United States and the U.S.S.R.

"Mr. Mikoyan said that if the U.S. people have this fear they need to be educated prop-

erly. He said that Soviet troops completely withdrew from Czechoslovakia at the end of the war. He said that United States has many bases abroad, whereas the Soviet Union has not and that he believed there were more U.S. troops stationed abroad than Soviet."

In 1956 I traveled extensively through the agricultural areas of the Soviet Union. I also visited many industrial centers. I made numerous comments then which I still believe hold true. I criticized at that time certain agricultural practices being undertaken by the U.S.S.R. as being impractical. I also pointed out industrial shortcomings. The gist of my comments on the Soviet Union are as follows:

"Russian agriculture suffers tremendously from the concentration of production in either collective or state farms. Many of the Russian farmers have no desire to increase production or become more efficient, since they have lost their identity as individual entrepreneurs. The old saying 'What's everybody's business is nobody's business' can be successfully applied to the collective farms.

"As to Russian industry, I saw some modern processes (such as a most unique shoe production line), along with great evidence of expansion, but for the most part, Russian industry seems to be crude and backward when compared with our own. I saw only five different models of passenger cars, two models of passenger buses, one for short and the other long haul, two models of refrigerators, one standard model of trucks. I do not desire to leave the impression that this status may long remain, for great efforts are being made to modernize Russian industry, and to expand production—particularly in the area of heavy industry. Dams, both for navigation and power generation, are being constructed. More factories are rising. The industrial base is being widened, and within the next 5 to 10 years, Russia will undoubtedly become a mighty industrial power. That will come about by the increasing demand for more and more consumer goods.

"\* \* \* I am firmly convinced that it is the Russian educational system that offers the greatest hope for ultimate Russian freedom. The people are beginning to think for themselves and as time goes on, it will be more and more difficult for the leaders to keep them in line.

"Joseph Stalin grew to power in the midst of ignorance and poverty. I am convinced that because of the changed conditions in Russia the people will not permit another despot to assume such powers as those exercised by Stalin.

"As more Russians become educated, they will become less and less prone to accept at face value the propaganda-loaded description of life in the United States which the Red propaganda system dings insistently into their ears. The Russian people are curious by nature; they are becoming increasingly more curious about Americans, about life in America, and about the freedoms we enjoy.

"I therefore recommend that, subject to reasonable security regulations, we broaden our exchange-of-persons program with the Soviet Union, and that we bring more of the Russian people into the United States, to see at firsthand how our people live. I recommend, too, that our Information Service increase its efforts to reach behind the Iron Curtain with the message of freedom. In this connection, it is of vital importance that our magazine, our broadcasts, and so forth, to the people of Russia contain no criticism of their way of life. Although we abhor communism, instead of disparaging it we must stress the positive aspects of our own system. We should say, in effect: 'We give you credit for believing in communism as an economic system; that is your right. But, here is what a free people, living under a democratic system of government, have both in physical and spiritual

things.' A better plan would be to extoll the virtues of democracy and completely ignore their system.

"I do not pretend to be a psychologist, but I do know that the surest way to shut the ears of the Russian people to the story of our way of life is to criticize their existing form of government. As the old saying goes, 'You can catch more flies with honey than with vinegar.'

"I am sincere in my belief that by bringing more Russian farmers, more Russian industrial workers, doctors, teachers, more Russian housewives and children and others, to our country, permitting them to see at firsthand how we live and the benefits available to us under a free system, we can demonstrate that communism cannot hold a candle to democracy in furthering the cause of individual freedom or bringing a better way of life. This exchange of persons, coupled with objective reporting of our American way of life, will—I believe—create a mighty force for peace with its genesis among the Russian people, a force which the leaders of Russia could ignore only at their personal peril.

"As a matter of fact, the Russian leadership has done much to make any effort on its part to generate a warlike spirit extremely difficult. Throughout the countryside were posters bearing the legend: 'Peace.' The Russians radio repeated the message that Russia desires only peace. The Russian people have been conditioned to expect peace, and I feel it will be extremely difficult for Soviet leaders to plunge them into a major conflict without creating fearsome conditions within the U.S.S.R., conditions which could perhaps result in a violent reaction among the Russian people.

"The Russian people with whom I spoke believe that the United States fears Russia, and that present American policy is designed with one ultimate objective—the forcible destruction of the Soviet Union. Therefore, they fear us. As patriots (and the Russian people love their land if not their present government), the people of Russia would be willing to fight for their existence. Soviet leadership has capitalized upon this fear; through this medium, they have been able to keep living standards low in order to forge a military machine. If it were possible (and I think it is) to dispel this fear, to eliminate the distrust of American motives among the Russian people, then relations between our two countries would improve overnight. We must make every effort to convince them that our preparations are not for war or aggression, but for defense.

"To illustrate what I am driving at, while visiting the great dam at Stalingrad, I asked the engineer in charge if it were not true that the dam was started in 1950 or 1951 and that suddenly orders came from Russian leaders to stop building the dam. I asked why that was done. He said because the money was needed for other purposes. 'And what were those purposes?' I asked. He said it was political and he did not care to answer. I chided him and said, 'I suppose you spent the money to make weapons of war to fight us.' He smiled, but insisted that the question was political and he would not discuss it further. I then asked, 'When did you resume work?' He said, 'After the Geneva Conference, when your President indicated to the world that America wanted peace and not war.'

"The older Russian citizens with whom I spoke, people who had lived under and could recall the rule of the czars, were unanimous in their belief that 'things are better now than then.' They have more food, more clothing, and a greater sense of their individual worth, as I indicated earlier in my remarks. However, there is much discontent within Russia—discontent that, nourished by exposure to America and Americans, could blossom into such a powerful force that communism could receive a telling blow.

"These factors—increased education, natural curiosity, and a desire for self-improvement—are available to the United States for intelligent use as the foundation for an ultimate rejection by the Russian people of communism as both a way of life and an economic system.

"I therefore regard as most unwise our Government's recent shutdown of exchange of persons between Russia and the United States. I think it was stupid. The reaction of the Russian people, fostered by the Communist propaganda machine, will be: 'America fears us—she fears that we will see her poverty and her ignorance—she does not want us to see how weak she is and how her people are oppressed.' In addition, this action will lend credence to the repetitive pronouncements of Moscow propaganda mediums that the United States wants war, while Russia wants peace. This, of course, will create an atmosphere which could ignite like tinder should even a tiny spark fall.

"Since my return to the United States, I have been referred to by some mediums as having been 'brainwashed' by Khrushchev. This I most vehemently deny. I believe I have noted basic factors which, if only capitalized upon by our country, can result in the destruction of dictatorial rule in Russia. The people of Russia bear within their great masses the seed of American victory in the cold war—a victory which can result not only in benefiting the free world, but in rekindling the light of freedom behind the Iron Curtain. It is now time for us to begin nourishing this seed, to the end that fear will be replaced with trust, ignorance with knowledge, and, ultimately, cold war with warm friendship between the people of Russia and the people of the United States."

Following my 1957 trip I filed another report with the Senate Appropriations Committee. My general impressions of the Soviet Union were as follows:

"Perhaps the most significant aspect of my findings on this visit was change, and, with respect to the various goods and services available to the Russian consumer, the change was invariably for the better. Also, people are more talkative—they were more prone to assert themselves. Generally speaking, I found a much higher degree of contentment among the peoples of Russia than on my previous visits. In addition, I found considerable national pride—a pride which was visibly increased when the people learned of the successful firing of the first space satellite. I was in Russia when the event occurred and the news was made public, and there was much jubilation among the Russian masses.

"Thus, in prefacing any account of my journeys through the Soviet Union, I feel it important to impress upon the committee my three major impressions of postsatellite Russia.

"First, there is an atmosphere of confidence.

"Second, there is apparent domestic contentment, but a rising curiosity about America and an urge to forge ahead of us.

"Third, there is a growing belief among the Russian people that their system is superior in all respects to ours in the West.

"These three factors must certainly receive primary consideration in any policy our Government undertakes vis-a-vis the Soviet Union. But, in considering these factors, they must be read against a background of Russia as it stands today compared with the pre-Bolshevik Russia of the czars.

"Only by measuring present-day conditions in Russia by the comparative yardstick of conditions as they existed a quarter century ago can any proper perspective concerning this vast nation be attained. In addition, the conditions existing in the Soviet Union under communism and the Government's abolition of private property are important circumstances to be weighed before reaching

any conclusion concerning future policies toward that country.

"In Russia, the Government is supreme. Nothing else matters—only the Government. Every square inch of land belongs to the Government. All commerce and industry are Government controlled. Under no circumstances is an individual able to go into business for himself, not even as a barbershop owner or a taxi operator.

"Instead, all crafts, in fact, all businesses, are incorporated into state-managed entities where everyone works together for what Soviet leaders declare to be the common good of the state. Revenue-producing investments by the individual of any of his surplus funds are limited primarily to state institutions that lend money. The money deposited by the individual bears a small rate of interest, depending on the length of time it is left on deposit. This type of social and economic organization exists through all strata of Russia.

"Under such a controlled system, in which the welfare of the individual is evidently sacrificed to the good of the state, Russia has been able, within a short span of years, to pull itself up from a weary, downtrodden nation, wracked by internal strife and bearing the heavy burden of a hungry, desperate class of peasant serfs under the old czarist system, to its present leadership of obviously high technological development.

"Many Russian people today may have only black bread, cabbages, beets, potatoes, and a pot of tea—but today it is enough to fill their stomachs. To a hungry population, the mere advance of a crust of bread is an accomplishment—and one, which whether or not we agree with the manner in which it is done, must be recognized as a form of progress.

"From the days of 1916, when almost all of Russia hovered together in abject poverty, in hunger, in a state of serfdom, and serving a fantastically rich nobility, the older people of Russia today can see visible signs of their march forward—toward national pride, better living standards, and industrial development—a march which today places them among the vanguard of the world's nations.

"The younger people, who have known nothing but communism in their lifetime, and who have had no opportunity to observe any other form of government, glory in their country's progress—and in the corresponding rise in the welfare of their fellow countrymen.

"This, above all, we must recognize. And in that recognition we must, I believe, abandon the approach of some who, because they dislike or perhaps fear communism—indeed, I am sure they abhor this system of government as I do—will not hear or even listen to the spoken words of its accomplishments.

"The mark of an intelligent soldier is to recognize the capabilities of his opponent. To mock a foe is to mock yourself.

"Communism will not vanish because we ignore it. Neither will it disappear because we vilify it. It exists. It is functioning.

"It has brought a new way of life to a people once left far beyond progress in the wallow of inner conflict. It has provided a better standard of living—no matter if we care to dismiss it as still far below our own—for an entire nation of people.

"Of course, in the U.S.S.R., there is nothing remotely resembling the freedom of individual choice, action, and enterprise which we in the United States enjoy today. However, it must be recognized that in the Soviet Union such freedom has never existed. Russian history bears ample witness to the lack of what we regard as basic principles of freedom. Under the czars, which is the period with which the typical elder or middle-aged Russian compares his life today, there was no freedom of the press, no

freedom of expression, no freedom of economic choice for the average Russian. Opposition to the then-existing Government was ruthlessly ferreted out by a secret police whose methods were not basically different from those used by the Communists.

"Perhaps the most astonishing accomplishment of the Russia of today is its rapid transformation into an industrial empire. That the tremendous growth of Russia's industrial economy has been reached in the short span of one generation testifies to the hard work done by the Russian people. To those who would dismiss, or soften the impact of this achievement by merely pointing out that it was accomplished by a ruthless leadership holding the combined noses of an entire people to the Marxist grindstone, it again must be remembered that compulsion is nothing new to the average Russian. Under the Communists, he exchanged the compulsion of the czarist aristocracy for the compulsion of a totalitarian state. The only change in the picture insofar as Ivan is concerned is that at least part of the nation's increased wealth has trickled down to him instead of all of it remaining in the pockets of a very few persons of supreme social status.

"In other words, in assessing the present temper of the Russian people, not their present leadership, but their people, we must always bear in mind that there are no shades of gray in the picture of Russian development since 1917. Instead, there is only absolute contrast between the days prior to the October revolution and those now upon the colossus of Europe and Asia. The term 'capitalism,' as applied by the Communist leadership in describing the United States, does not reflect the system which our country actually enjoys today, but instead is used as a synonym for the system prevalent in Russia during czarist times. By insisting that all economic systems are either capitalistic (i.e., czarist) or socialist (i.e., that now in effect in the Soviet Union) the Soviet leaders have been able to keep their people convinced that the Russian system today is the ultimate of perfection.

"The Western World is now at a great disadvantage in waging a positive campaign to change this unbalanced and untrue picture laid before the Russian people, because there are not words available to convince them of the progress we have made, of the abundance we enjoy. To the average Russian, a system which would prove more beneficial than the one under which he now lives is inconceivable, simply because he has no knowledge of anything other than absolute exploitation under the czars compared with a much better way of life under communism.

"As it stands, then, we must realize that the Russian people—as of this day, at least—are apparently well content with their way of life. The individual may not have progressed much, by our standards, but he has progressed—he is much better off than he has ever been."

In my 1957 report I also included a formalized presentation of conclusions and recommendations. I think that these, too, are worth repeating in the light of today's events.

They are as follows:

#### "CONCLUSION

"The Soviet Union today is undergoing a process of evolution—not revolution, but evolution. There is a great surge of decentralization taking place. The people are demanding more and more autonomy in the hope of attaining more voice in their local affairs. Sparked by increased emphasis upon universal education—an emphasis which carries with it a growing desire for individual leadership, an eagerness for information, and an abundant curiosity regarding events, developments, and peoples outside the Soviet borders—the present Russian leadership is taking a calculated, but evidently necessary, risk.

"Having placed their people in a position where they are more and more able to think for themselves, the Soviet leadership is gambling with its own future. The time is now ripe for free world action, designed to properly capitalize upon this new advent within the Soviet's borders.

"If, by increased exchanges of delegations in every walk of life—such as engineers, farmers, legislators, scientists, students, teachers, to name but a few—of motion pictures, of television programs, of radio broadcasts; if, by increasing the points of contact between East and West, particularly, the United States and Russia, we can lay the full picture of Western culture, development, and individual freedoms before the masses of Russia, as well as other peoples of the world closely associated with Russia, there is no doubt in my mind that they will become envious of our way of life. They will doubtless become dissatisfied when they learn there is a better way of life than that which they are now enjoying, and, as a result, will develop an urge to imitate ours.

"This should be our primary objective.

"The free world, particularly the United States, secure in the absolute belief that our economic and political systems have nothing to fear from a fair comparison with Soviet-style communism, must leave no stone unturned in placing before the people of Russia and the world an unbiased picture of the way we live. We should—yes, we must—open the way for peaceful competition between the United States and the U.S.S.R., with the understanding that all peoples will be free to choose the form of government under which they prefer to live.

"This is a competition which the free world would most certainly win. It would bring a tremendous victory to us, for either the Soviet leadership would be compelled to give its people a more abundant way of life, or the Soviet people would compel a change in their leadership.

"Either of these alternatives would represent a basic step forward in the winning of the cold war.

"In the past, the tendency in the United States has been to be somewhat apologetic about the abundance we enjoy—to regard our blessings as the result of more good fortune than anything else. The Soviet Union, on the other hand, has consistently credited the progress it has made since 1917 as the result of two things: First, the alleged superiority of the Socialist system, and, second, the constant hard work of the Soviet people.

"Concerning the latter, no effort is spared in Russia to acquaint the people with the progress being made, and to heap praise and credit upon the workers. Propaganda within Russia is one of the chief weapons of the Communist leaders in maintaining the Communist way of life. Radios are installed in all public places, including factories and farms, and they constantly blare out the accomplishments of Russia's economy and its people.

"Awards are made for worker excellence.

"Competition between areas producing the same commodities, or manufacturing the same goods, is fostered. Region vies against region in an endless productivity contest.

"Specific projects—such as the construction of a power dam, for example—are recorded step by step on motion-picture film. First the ground breaking, where thousands assemble, then the river closure, then the installation of the first generator and so on. Awards are made to the best workers at each function.

"These films are then exhibited across the length and breadth of the Soviet Union, with abundant praise heaped upon the 'workers' who made such projects possible and with added emphasis that they are the beneficiaries.

"In the so-called neutralist or other nations experiencing a Soviet economic and political offensive, the progress achieved within the Soviet Union since the advent of communism is constantly cited as an example of what can be accomplished in an underdeveloped area under the socialist system.

"Instead of, in effect, apologizing for our abundance, instead of fostering and following a philosophy dedicated to the proportion that because America has so much it must be shared with those who have so little, the United States should point out that our present national wealth was created and obtained through the hard work and ingenuity of Americans, laboring under a free enterprise system, to tame a wilderness and devote its resources to the betterment of all our people.

"Indeed, it must be remembered that the United States as we know it today is only 5 years older than the Soviet Union as it now exists.

"Only with the admission of Arizona as the 48th State in 1912 did the United States really begin its great rise and progressively forge to the forefront of the world's nations. Russia began its climb with the deposing of the czars in 1917.

"Yet in this relatively short space of time, the United States has achieved a much greater advance than the U.S.S.R. in all fields—without subjecting our people or our economy to the iron rule and inflexible discipline that communism imposes.

"In other words, if it were possible—as I believe it is—for the United States to place its record of achievement beside that of the Soviet Union for the people of Russia to observe, there can be no doubt which would prove the more attractive.

"It is necessary for us as leader of the free nations to realize and understand that the Russians have progressed under their present form of government, and that we must recognize that progress, not disparage it, in our dealings with the Russian people.

"It has become increasingly obvious during recent years that a new approach to the problems plaguing East-West relationships is not only desirable, but urgently necessary, particularly to the United States, upon whom rests the greatest burdens of present policies.

"Since 1948, the year the Marshall plan began, our Nation has spent over \$50 billion ostensibly to roll back the Red tide of communism. Initially, these expenditures were designed to restore the war-ravaged nations of Western Europe, in order to place them in a position to be of aid to the free world should the Soviet Union attempt an armed aggression. Later, when proposed goals were reached and even surpassed, the program was transformed from one of rehabilitation into one of development and mutual defense. Huge amounts were supplied to a host of countries to help build armies, for capital development, for technical aid.

"Viewed in the light of these vast expenditures, the record of achievement thus far is a dismal one.

"Europe, fully restored to economic health, and enjoying unprecedented prosperity, still leans on the United States for participation in her home defenses—still refuses to bear her fair share of the free world's burdens, particularly in the Middle East, southeast Asia, Formosa, and South Korea.

"Many other nations which we have assisted lavishly in the past are either actively practicing or moving in the direction of neutralism if not outright alignment with the Soviet Union.

"A few make no bones of the fact that they pursue a policy of pitting the United States against the Soviet Union in order to obtain the maximum aid from both countries.

"Russia, and her satellites—who are our avowed opponents in the global cold war—are not weakening, nor do their policies seem to suffer defeat or even frustration as a result of the heavy-spending approach we have used in the past. On the contrary, some of our advisers contend that the Russians are making gains in the Middle East, in southeast Asia, in Africa, and even Latin America.

"They are increasing their domestic agricultural and industrial bases, as my report amply demonstrates.

"Their technology is constantly improving. Sputniks I and II offer abundant proof of this.

"In almost every imaginable way, by almost any comparison that might be made, the United States today is in a much less favorable position in its international relationships—and particularly in its competitive position with the Soviet Union—than it was in 1948, despite the expenditure of over \$50 billion of our dwindling national wealth.

"As I have often stated, our country cannot continue on its present course without inviting not only ultimate international defeat, but national disaster.

"Our present policy involves the continued expenditure of gigantic sums for foreign aid purposes (over and above funds appropriated for the maintenance and modernization of our own Armed Forces); large appropriations for an Information Service; continuation of an almost unbearable and destructive tax rate that threatens to destroy initiative; the constant threat of near stagnation in the proper protection and preservation of our precious natural resources; and the promise of continued neglect of other vital areas of our national economic progress, particularly public power, housing, commerce, and others.

"The recommendation I have advanced for the past 3 years is reemphasized at this time; that is, the time has come—in fact, it may even have already passed—for us to take stock and to take a new look at our foreign policy.

"Given a continued or heightened cold war of indefinite duration, the pursuance of our present policies must eventually result in the strangulation of our free-enterprise system, either by a continued decline of individual initiative and increasing reliance upon Government control and regulation of the economy, or eventual collapse of our total economy under the pressures of constantly growing Government spending and a swelling debt load.

"Either of these alternatives would be disastrous.

"The first would represent an easy default victory by State socialism over the forces of free enterprise, the second would carry with it the full realization of a basic tenet of Marxist communism; namely, that given a long-term crisis to face, the free enterprise (capitalistic) nations must fall of their weight.

"The three visits I have made to the Soviet Union, the impressions I have gained during them, and the information I have gathered, have resulted in the following suggestions, which I offer for the consideration of the committee—indeed, for the consideration of all our people.

#### "RECOMMENDATIONS

"I recommend that the United States reexamine its approach to the waging of cold war. Recognizing that our actual adversary in this conflict is the Soviet Union, I recommend that this reexamination be undertaken in the light of the following, the implementation of which will help to dispel the fear of each other prevailing among the peoples of the East and the West, and restore mutual confidence, which is necessary if we are to achieve a lasting world peace.

"1. Our information program directed to the Iron Curtain and particularly to the Soviet peoples should be expanded. In this

expansion, all propaganda in its traditional forms should be abandoned. Instead, a positive approach should be applied uniformly. No reference to communism per se should be permitted. Accurate, factual reporting of the news and conditions in the free world must be stressed. Every effort should be made to objectively depict the enormous advantages of our way of life, without disparaging the system presently in effect in the Soviet Union or behind the Iron Curtain.

"2. An expanded and realistic exchange-of-persons program between the Soviet Union and the United States should be inaugurated at once. This expansion can be achieved with no additional cost, by simply discontinuing many so-called information programs operated elsewhere that are unnecessary. As detailed in the body of my report, I am convinced that most of the peoples of the Soviet Union are sincere in their belief that the form of government and the economic system under which they live are second to none. This conviction flows from their inability to compare their present-day living standards, industrial and agricultural techniques, cultural progress, and technological development with anything other than those existing within the Soviet Union's borders in prior times. By exchanging delegations, from every walk of life—scientists, technicians, workers, farmers, students, legislators—the people of Russia would have the opportunity to see at first-hand the boundless advantages which a free-enterprise system, founded on the bedrock of representative government, has to offer. In this program, however, extreme care must be exercised. Under no circumstances should a bona fide exchange program be permitted to become a means for infiltration of our borders by Soviet agents.

"3. With the change of emphasis in our cold war policy toward the Soviet Union outlined in recommendations 1 and 2, designed to dispel the fear which exists between the peoples of the United States and the U.S.S.R., and to create a climate of confidence, should also come increased willingness upon our part to meet as often as possible with leaders of Iron Curtain countries, or the Soviet Union. Despite the record of broken promises which prior Soviet leaders have left in the wake of prior talks, our failure to join and participate in top-level conferences—even summit conferences—provides powerful ammunition for the Soviet propaganda machine. It eases the task of Red information agencies to picture the United States to the people of the Soviet Union—along with other lands throughout the world—as unwilling to discuss peaceful solutions of world problems.

"The committee is well acquainted with the desire of all Americans to attain and maintain a lasting world peace, a peace secured in dignity and made lasting through mutual trust. However, our Government's failure to show a willingness to confer with Soviet leaders on the peaceful solution of world tensions is being broadcast throughout the length and breadth of the world as indicative of our aggressive intentions. With a weapon such as this at the command of expert Communist propagandists, we are constantly losing ground in our effort to maintain sympathy for and understanding of our international objectives.

"4. I recommend that our policy of attempting to create full-fledged modern armies in small underdeveloped countries be terminated, and that our assistance be confined to a realistic technical-aid effort. This move would be designed to create a broad base of trained native peoples, a base which would attract private investment capital, or which—at the very least—could properly utilize any government-to-government capital which might later be made available for development purposes. An approach of

this type would strengthen the economic stability of the country, while at the same time allowing the country to maintain its prestige and self-respect by standing on its own feet.

"By encouraging underdeveloped countries to maintain military forces far beyond their capabilities to support, we are actually creating conditions tailor made for the advance of communism.

"As the Comptroller General noted in his report to Congress on an examination of the military assistance program on March 31, 1957, the extensions of arms aid to a number of nations has not always been motivated by purely military considerations, nor has the impact of this aid been properly evaluated in advance, or in conjunction with its availability:

"The military force objectives presently approved for U.S. support in certain allied countries are not always realistic in terms of recipient country manpower and financial capabilities, are not always mutually acceptable to the countries concerned, and are not always motivated by military considerations (report, supra, p. 2)."

"In a number of countries the United States has programed and is delivering military equipment in excess of that which can be effectively absorbed and utilized by the recipients at their existing stage of development. The recipients either have not been able to use the aid furnished because of their financial and economic incapacity and their manpower limitations or they have not desired to use the assistance for the purposes intended by the United States (report, supra, p. 3)."

"As it now stands the hasty application of great amounts of economic and military aid to newly independent, underdeveloped nations is often working to our extreme disadvantage.

"First, in those nations whose economies are not sufficiently developed to maintain a military force of the capabilities desired by U.S. advisers, the gap in national income created by heavy military expenditures is sought to be filled by America extending so-called defense-support assistance.

"As administered in the past, this type of economic aid has frequently failed to trickle down to the masses. In a number of countries, particularly in the Middle East, and southeast Asia, living standards remain visibly unchanged for the great majority of people despite large U.S. expenditures there. There are, in these countries, two economic strata—the very rich, and the miserably poor.

"The latter are, without exception, the object of constant Soviet propagandizing. U.S. policies, requiring the maintenance of large standing military forces, are blamed for low living standards. 'Capitalistic' America is also blamed for lining the pockets of the rich while caring little for the poor.

"In these same countries, as the body of my report demonstrates, the wealthy pay little or nothing in the way of income taxes, or, for that matter, all taxes as compared to us. Thus, as the whole burden of defense and economic growth in a given nation may be ours, so is the blame for that nation's poverty heaped upon our shoulders."

"While I am convinced that the implementation of these recommendations would result in a much higher degree of success than a continuation of our present policies, it is not my view that they will work miracles overnight. On the contrary, the 'new look' I have advocated should take place concurrently with the maintenance of a strong defense by the United States. We must not lower our guard. A modern, efficient Defense Establishment is the best guarantee we have against any attempt on the part of would-be world conquerors to follow the

path of aggression instead of peaceful international competition.

"In essence, the burden of my recommendations involves the maximum use of the single greatest resource our Nation possesses—not dollars, but the tremendous abundance of both material and spiritual advantages which freedom has to offer.

"America is the world's greatest show-place for the accomplishments of a free economy dedicated to providing a free people with the highest standard of living in the world.

"With such an exhibit of the fruits of our labors, it should be readily apparent that, in comparison with our growth over the relatively same period of time, Russia's advance has been accomplished despite, rather than because of, the dictates of Socialist theories, and perhaps owes its success more to the hard work of her people than to any tenet or theory set forth by Lenin, Marx, or Stalin.

"Let us open wide the doors to our show-place; let us welcome all who would come to see, to compare, to imitate.

"Let us lay the foundation for trade and a restoration of commercial contacts between the East and the West.

"Let us not apologize for our abundance, but, rather, let us display it to the peoples of the world as an example of what hard work can achieve for all who are willing to work.

"Let us be honest enough to caution those who are to choose between socialism and freedom that such miracles are not wrought overnight, but must come gradually and through self-help.

"Above all other things, let us not fear an honest competition with Soviet communism.

"The approach I have outlined involves only the realization that it is time for our country to choose a more advantageous ground upon which to wage this most critical battle of the cold war.

"We have been confronted in recent years by what amounts to nothing more than an all-out effort on the part of the Soviets to defeat the democratic nations by peaceful means. Rather than see victory go to them by default, I urge our Government to pour its full effort into a massive fight for the minds of men—all men, everywhere."

Mr. DWORSHAK. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. DWORSHAK. The Senator has indicated that we are facing very crucial situations in southeast Asia and that one alternative would be the gradual withdrawal of assistance in all fields.

Surely the Senator knows that instead of the possibility of having a withdrawal of our financial assistance in southeast Asia we are constantly adding to the contributions which we are making, not only financially but also by sending young Americans in uniform, not to wage active warfare, but to serve in many capacities in a military sense.

The question I wish to propound relates to what can be done. The Senator, with my help and the help of others during the past decade, has tried to force the State Department under a Republican administration and the State Department under a Democratic administration during the past year, as well as the foreign aid agency, to take a realistic viewpoint and to recognize we are making little, if any, progress. In fact, we are gradually losing the prestige which is so essential toward helping the beneficiary countries withstand Communist aggression.

What today can be done, if the executive department is blind to the need for taking very effective action? What can we do in this body, for instance, through the Appropriations Committee, on which both the Senator from Louisiana and I serve? We have had little help and support in past years in the endeavor to curtail and control appropriations.

Shall we continue to drift along and ultimately to face a "showdown," as the Senator has forecast, having no friends either in southeast Asia or among our allies in other sections of the world? Then we may be embarrassed and be subject to a challenge which may have a far-reaching impact upon the very survival of our Nation.

Mr. ELLENDER. Mr. President, my reports speak for themselves on that point.

As the Senator knows, I think some of us have succeeded in trimming a good deal of the foreign aid. We have had assistance from our good friend on the other side of the Capitol, Mr. OTTO PASSMAN, who heads the subcommittee of the Appropriations Committee which deals with foreign aid. Primarily with his assistance, we have been instrumental in curtailing these programs over the years at least \$5½ billion, as I remember the figures.

But that is not enough, Mr. President. We have had programs in some of those areas now for over 15 years. Let us consider South Korea. I did not go there this year for the simple reason there was too much disturbance going on there. As the Senator knows, we called to the attention of the State Department, on our visit there, the waste which was going on as a result of the actions of Syngman Rhee. Many of the newspapers in this country took issue with me, and they accused me of being some kind of an interloper, going out and insulting our good friends. Two years ago it took some 3,000 young students to expose Mr. Syngman Rhee. Only after he was ousted did our people see the waste which had occurred under his administration. I called to the attention of the State Department and the ICA in previous administrations the waste which was occurring, but they took no heed of what I said.

Mr. President, I shall continue to make these trips and I shall be able to say, not too many years from now, "I told you so," because these things will come to pass.

Something should be done now. President Kennedy, as well as the State Department, ought to take my report and try to verify it.

It strikes me we have to take a new approach in our dealings with Russia. We must not continue to do what we are doing now. We have tried these things for 14 years, as I pointed out earlier. We have made little or no progress in our battle against world communism. In addition, we owe more money now than we will ever pay.

Mr. President, today it requires \$9.3 billion merely to pay the interest on our debt. I repeat, \$9.3 billion is required merely to pay the interest on our debt. Now we are confronted with a request to increase the debt limit to \$309 billion.

I believe that now is the time for President Kennedy to take a long, hard look at our overall foreign relations.

Mr. DWORSHAK. Mr. President, will the Senator yield for one more question?

Mr. ELLENDER. I yield.

Mr. DWORSHAK. The Senator is aware that the President in his budget message has asked for an even larger amount for our foreign-aid program than has been provided in the past few years. On that basis it would appear that instead of curtailing spending and trying to adopt more effective policies in dealing with this serious problem, we are going to continue to keep our eyes closed and be blind to the implications of the entire program. Instead of trying to accomplish more and to stabilize conditions in southeast Asia and elsewhere, we actually shall be trying to get more money to spend to accomplish less and less, and to make these sections of the world more subject to, and more exposed to the aggression of the Soviet leaders.

What can we do in a practical way? As I say, we cannot appropriate more and more money. We have to take some very drastic action, unless we are going to go on and on a few more years and then realize, almost overnight, that the entire program has been an abject failure.

Mr. ELLENDER. Mr. President, I would hate to admit that the program is a total failure, but I can say that we have simply overdone it. Whenever these advisers of ours abroad got into the act there was no stop to it. As the Senator well remembers, the record shows that we were supposed to withdraw from Western Europe whenever its economy reached 130 percent of its prewar level, but we stayed there until it reached 180 percent of prewar.

Then, lately, what did we find? Why was it necessary for us to send two more divisions to Western Europe? Why was it necessary to call up National Guardsmen and reservists to service? That question answers itself. The answer is that our allies failed to meet their part of the bargain.

Mr. GRUENING. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. GRUENING. I congratulate the senior Senator from Louisiana for the magnificent service he has rendered through the years in turning the focus of his searching examination on what is happening abroad, particularly in relation to our foreign aid program. I think the Senator has rendered an invaluable public service. I only wish that his observations and his judgment were reflected in action by the Federal executive department and by the Congress. I think if that had been done, and if it could be done in the future, we would not only make such foreign aid as we give far more effective but also we would save billions of dollars for the American people.

The principle of foreign aid, as embodied in the Marshall plan, which was a success because it defined its purposes, was limited in duration and achieved its objectives, is a fine principle.

But I think few of the American people realized at that time that the program

would become a steadily expanding one, regardless of need, or national orientation and that it would be applied indiscriminately to virtually every new country as soon as that country was born. We have now come to the point where the program has reached dimensions that are staggering, and is increasingly less effective in proportion to the vast sum expended.

In my first 2 years in Congress, I opposed the foreign aid program. I was not opposed to foreign aid as such. I voted against it for three specific reasons, which I stated, some of which to a degree are still valid.

First, I felt that Congress had abdicated its constitutional duty in not checking on the foreign aid programs more thoroughly and in not providing an appropriation procedure such as we apply to even moderate domestic appropriations. In other words, when we wish to build a small project in our own country, that project must be justified for authorization before the appropriate subcommittee and committee of each House. It must then be justified before the subcommittee and then the full Committee on Appropriations of each House. The same process must be repeated in both bodies. But in the foreign aid program in the past some unseen person in the downtown area of the Capital could secure the appropriation of millions of dollars without any similar procedure and check. I thought that that procedure in the foreign aid program was all wrong, and that Congress had in effect abdicated its constitutional mandate to control expenditures.

My second objection, which applied particularly under the Eisenhower administration, was to what I called the double standard. Under that double standard we were told by the administration that many desirable domestic projects, such as pollution control, school-room construction, forest rehabilitation, resource development, and much else were inflationary, extravagant, wasteful, and unnecessary; whereas not only were identical programs, and even far more generous programs, authorized in foreign countries, but these we were told were absolutely essential and must not be cut a nickel. I could not abide that double standard.

My third objection related to the obvious waste and mismanagement in connection with the program. Last year we were promised a change. In the first place, under the Kennedy administration the double standard has disappeared. Resource development, Federal aid to education, pollution control, forestry rehabilitation, and much else that is valuable for the folks at home are part of this administration's program, I am glad to say. And as for mismanagement of the foreign aid program the desired reforms have not yet taken place, but our President is keenly aware of the need for these reforms. He has made it clear that he knows the programs had been badly administered, and that he was trying to change them. For those reasons I felt last year that we should give this new administration every opportunity to effect these reforms. So I voted for the foreign aid

legislation and appropriations. But we should give further thought that if there is no improvement and if countries we helped turn on us and knife us, as has been evident at Punta del Este during the recent conference, that attitude may have to be revised. At that Conference we have heard that Bolivia, which we have practically supported wholly for many years in an effort to prevent Communist penetration and takeover, has voted against our efforts to exclude communism from the Western Hemisphere. I find it very difficult to understand why we should continue to nurse and aid such countries in an effort to prevent the invasion of communism into those countries, when they fail to cooperate with us and indeed oppose us in that purpose.

So I must reserve my decisions. But I hope that the very wise appraisals and searching judgments which my friend, the senior Senator from Louisiana, has made will result in corresponding attitudes and actions by the administration and by the Congress.

Mr. ELLENDER. Mr. President, I thank my good friend from Alaska very much. I join him in hoping that the committees in charge of the program of foreign aid, including the Committee on Foreign Relations, as well as the House of Representatives, will take note of these remarks and try to put my recommendations into effect.

Mr. President, there is much more I could say on this subject, but I am scheduled to leave on a plane at 5:30 p.m.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MANSFIELD. I commend the distinguished Senator from Louisiana for following his yearly custom—and I think it is a very worthwhile custom—in giving a firsthand detailed report on his travels to various parts of the world at the request of and under the supervision of the Committee on Appropriations. I, too, express the hope that not only will all Members of this body read his detailed report, which I have gone into in some detail, and which I intend to study more closely in the future, but also that the proper administrative authorities downtown will do likewise, because the report contains a wealth of information. Certainly the comments, recommendations and suggestions are candid and to the point. There is no possibility of misunderstanding.

I express the hope again, as I have in previous years, that the most detailed, informative, and worthwhile report of the Senator will be given the consideration which in my opinion is its due. So I compliment and commend the Senator from Louisiana for once again taking the floor of the Senate to give us the benefit of his close observations.

Mr. ELLENDER. I thank the majority leader.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRUENING in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to consider nominations on the Executive Calendar, under "New Reports."

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the Committee on the District of Columbia.

(For nominations this day received, see the end of Senate proceedings.)

#### NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of Francis A. O'Neill, Jr., to be a member of the National Mediation Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### U.S. ARMY

The legislative clerk proceeded to read sundry nominations in the U.S. Army. Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

#### U.S. AIR FORCE

The legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

#### U.S. NAVY

The legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

#### U.S. MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

#### ROUTINE NOMINATIONS ON THE SECRETARY'S DESK

##### THE ARMY

The legislative clerk proceeded to read sundry routine nominations in the Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that these nominations be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations will be considered en bloc; and, without objection, they are confirmed.

Mr. MANSFIELD. Mr. President, I unanimously consent that the President be immediately notified of the confirmation of all these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

#### DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. MANSFIELD. Mr. President, it is my understanding that the Senate is now in executive session, and that the pending business is the nomination of John McCone, of California, to be the Director of the Central Intelligence Agency.

The PRESIDING OFFICER. The Senator is correct.

Mr. CLARK. Mr. President, when the nomination of Admiral Strauss to be Secretary of Commerce was before the Senate for confirmation in 1959, I prepared a memorandum for my constituents, in which I stated my reasons for opposing the nomination. In that memorandum I outlined five characteristics which I believe any nominee for high public office should have if the Senate is to confirm his nomination for that office. Those characteristics are, first, integrity; second, stability; third, good judgment; fourth, adequate experience; and, fifth, associations, which of necessity would involve an inquiry as to whether any conflict of interest under the statute was involved.

I should like to discuss the pending nomination in the light of those standards. First, however, let me say that the nomination of Mr. McCone to be Director of Central Intelligence raises no issue between liberals and conservatives. It has nothing whatever to do with parlor pinks or members of the John Birch Society.

Those of us who support the President in practically all of his policies, as I do, and who with some regret differ with him on occasion, must nonetheless assure ourselves, in my view, that every nominee whom he recommends to us does have those characteristics of which I speak. I hope that everyone who calls himself a liberal and everyone who calls himself a conservative will measure up

to the same standard with respect to these five characteristics, because in my opinion they have nothing whatever to do with one's political opinions.

I should like to discuss each of the five characteristics in turn. First, I have no question as to the integrity of the nominee. He is a man who has worked his way to the top of the business community, with not only consummate ability but also without any doubt of any kind being thrown on his honesty and integrity.

Second, I raise no question as to the nominee's stability. He has conducted himself under heavy pressure in an admirable manner during the course of both his private and public service.

I do have some question as to the nominee's experience for this job, and that point I shall discuss in a moment.

I have no question as to the nominee's business judgment. Clearly it is good, for he has made a fortune. I have no question as to his judgment when he served, I believe, under the Secretary of the Air Force or when he served as Chairman of the Atomic Energy Commission.

I do have some question as to his good judgment in terms of this particular office to which the President has nominated him. However, I would have to admit that my views in this regard must of necessity be speculative, because we cannot tell until after the event just how the strongly held views of a nominee on certain subjects might well affect his intelligence judgment—not his intelligence, but his judgment in the field of intelligence—and how they might or might not affect the public interest.

I believe that in the area of his associations, namely, the conflict-of-interest statute and its interpretation, there is very serious legal question as to whether it is not necessary for him to dispose of his stock in the Standard Oil Co. of California or, in the alternative, whether in his own interest it would not be wise to do so.

I shall return to that matter a little later in my speech.

First, I wish to discuss the subject of experience. The nominee himself has testified that he had had no experience for this job.

Perhaps this is not particularly important. I certainly had no prior experience before I became city comptroller of Philadelphia, before I became mayor of the city of Philadelphia, or before I became U.S. Senator. I am perhaps arrogant and conceited enough to think that despite that lack of experience I was able adequately to fulfill my duties.

Yet the position which the nominee is to fill upon the nomination of the President is not an elected public office but an appointed one. I believe a very real question arises as to whether it is sound practice to nominate for a position of this sort a man who heretofore has been without experience in the intelligence field.

Certainly this is the first time in the history of the Central Intelligence Agency that this has been done.

Mr. SYMINGTON. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I would be happy to yield to the distinguished Senator from Missouri, and yield to him continuously. I do have a more or less logical argument I should like to present, but I shall be happy to yield.

Mr. SYMINGTON. I appreciate the courtesy of the Senator from Pennsylvania.

During the hearings when Mr. McCone came before the Committee on Armed Services, Senator SMITH of Maine, noted that all previous nominees had had experience in the intelligence field. I said that that statement, to the best of my knowledge, was incorrect with respect to General Vandenberg. I was incorrect in that statement; General Vandenberg served 6 months, from January to June, 1946, as the head of intelligence on the General Staff. I am saying this to correct the record. As usual, the able senior Senator from Maine knows her facts.

Mr. CLARK. I appreciate what the Senator from Missouri has said. General Vandenberg was never Director of the Central Intelligence Agency, because that office was not created until 1947; and whatever intelligence duties General Vandenberg performed must, I believe, have been before the present statute.

Mr. SYMINGTON. General Vandenberg was the head of the Central Intelligence Agency, to the best of my memory, after Admiral Souers and Admiral Hillenkoetter. The point I wished to make was that General Vandenberg did have some intelligence experience.

In my opinion, no one could have been Under Secretary of the Air Force, which Mr. McCone was at the request of a Democratic President, without having obtained much experience in the intelligence field. No one could be chairman of the Atomic Energy Commission, perhaps the most sensitive position in the Government from the standpoint of intelligence except the CIA, without acquiring at least some experience in the intelligence field.

The nature of the positions which Mr. McCone has held under three Presidents—because actually he has been running the Central Intelligence Agency now for 2 months—I think justifies my position.

I now find that General Vandenberg was head of Central Intelligence before that agency became a statutory agency. He followed Admiral Souers and preceded Admiral Hillenkoetter.

The Senator from Pennsylvania is correct in saying that the Central Intelligence Agency was not a statutory agency until 1947.

Mr. CLARK. I thank the Senator from Missouri.

I resume my argument with the suggestion that since the Central Intelligence Agency was organized by statute, each of the three men who have been its chief has had substantial experience in the intelligence field before he became Director. The first of those men was Rear Adm. Roscoe Hillenkoetter, who served from May 1, 1947, and was the first statutory Director of the CIA. The second was Lt. Gen. Walter Bedell Smith, who served from October 7, 1950, to Feb-

ruary 9, 1953. The third was Mr. Allen Dulles, who served from February 26, 1953, to November 29, 1961.

My position would be that any member of the Armed Forces of the United States of necessity, from the time he has gone through Annapolis or West Point, or whatever preliminary school he attended to qualify him for a commission in the Armed Forces, has an almost daily contact with intelligence, the collection, evaluation, and dissemination of information; and in most cases—and I think this is true of the members of the Armed Forces who served in this capacity as Director of the CIA—has, in one or another of his assignments, been in charge of the intelligence function, with whatever staff or command he might have been serving.

Mr. Dulles, as is well known, served for 2 years as Deputy Director of the Central Intelligence Agency before he became Director; and before that had had a long career in various most important offices affecting our foreign policy, our relationships with other countries, and the whole problem of the intelligence function, which involves, as I say, the collection, evaluation, and dissemination of information.

I do not quarrel much with the views of the Senator from Missouri in this regard. I should merely like to read into the RECORD a question asked at the hearings by the distinguished senior Senator from Maine [Mrs. SMITH], and the nominee's reply, as they appear on page 53:

Senator SMITH. It is my recollection, Mr. McCone, that all of your predecessors had some prior training or experience in the field of intelligence prior to their appointment as Director of the Central Intelligence Agency. Will you tell the committee what training or experience you had in the field of intelligence prior to your appointment to that position?

Mr. McCONE. None.

The Senator from Missouri [Mr. SYMINGTON] may well be correct in saying that Mr. McCone was unduly modest; that in his capacity as Under Secretary of the Air Force and as Chairman of the Atomic Energy Commission he acquired adequate experience. But apparently the nominee himself thought otherwise.

While I think it unfortunate that for a position which the distinguished senior Senator from Georgia [Mr. RUSSELL] described, perhaps correctly, as second in importance only to that of the President of the United States, the President of the United States has seen fit to nominate an able businessman, who himself says he has no experience in this field, I may also say, along the lines of the speech of the distinguished junior Senator from Minnesota [Mr. McCARTHY] yesterday that if this were the only matter in which the nominee was deficient—the only one of the five categories to which I referred before—I doubt that I would, on that ground alone, feel compelled to oppose the nomination.

Before I discuss the two areas in which I have serious reservations respecting the nominee—first, the objectivity of his judgment and, therefore, whether his

judgment in the intelligence field will be good; and, second, the conflict-of-interest question—I shall digress for a moment to discuss what is the nature of the position to which the nominee has been appointed by the President, subject to confirmation of the nomination by the Senate. If one is to review the statute under which this agency was created, he does not get much guidance as to the actual workings of the job. Yet I think that in an empirical sense we who have been around Washington for awhile could summarize the job by saying that it consists of three parts: First, a substantial job of collecting, evaluating, and disseminating information with respect both to matters of foreign policy and of national security; second, the job of coordinating the collection, evaluation, and dissemination of information of an intelligence nature by others, such as the intelligence systems of the Army, the Navy, and the Air Force—and there are others, which need not be brought out in this debate; third, the operation of covert enterprises, colloquially known around Washington as the "Department of Dirty Tricks."

This is a function which we are told has been engaged in by governments since the beginning of civilization, and perhaps even before then. It is a function which we are told is absolutely necessary to our national security. It is a function in which the ordinary rules of right and wrong, of morality, of fair conduct between men and between nations, go by the board. It is a rather sad function. It is more or less a denial of all of the attributes of man in which we take the greatest pride. It is a function which most of us are most reluctant to see our Government engage in. I think almost every Member of this body would hope that it would not be necessary in the national interest to engage in the work of this "Department of Dirty Tricks." Yet I am not advocating that we no longer conduct such covert operations, whether in connection with the elimination of an unfriendly government in Guatemala—in the hope that our role would not be discovered; or in the conduct of undercover operations in the Middle East, with the assistance of oil companies, in order to try to hold the Middle Eastern oil for the West and to prevent the taking of adverse action by various Arab and Mohammedan governments who occupy territory in that area; or whether it be the overthrow of Mossadegh, in Iran; or the conduct of covert operations in southeast Asia. All of these actions may be necessary in the national interest; I do not say they are not. What I do say is that, first, the President, and, second, the Secretary of State, and, third, at least some Members of Congress—and Congress has the power to declare war—should have knowledge in advance and should be kept currently informed as to what the "Department of Dirty Tricks" has up its sleeve. The last and most notorious incident of that kind was, of course, that in Cuba.

It was said by the nominee and, indeed, by others in the course of the hearings—and, in fact, it has been emphasized—that the Director of the Central

Intelligence Agency plays no part in the making of policy. This may well be true with respect to his primary function, which is the collection, evaluation, and dissemination of intelligence; or with respect to his secondary function, which is the coordination of that work with the work of other agencies of the Government and private interests. But I suggest that with respect to covert operations, the Director of Central Intelligence does make policy, and it is a policy which may affect the lives and the wealth of many Americans.

Mr. President, in this connection I should like to quote from page 42 of the hearings before the Armed Services Committee, where the nominee said:

As I said, from the standpoint of my competence in office, it is my responsibility to report facts, and, furthermore, I think I should avoid, so far as possible, being drawn in on a personal basis into any policy discussions because that, to an extent, may have some effect on what people, the validity that people might attach to the facts.

However, I would expect that because of the various areas of activity that I have had in Government in the past, that maybe my personal opinion may be asked on some subjects. But in my role as Director of Central Intelligence, it would be beyond my competence to deal with policy.

Mr. President, I suggest that high policy was involved in the activities of the Central Intelligence Agency in each of the areas to which I had previously referred; and I am afraid it may be involved in the future. I hope it will not be; I hope the nominee will stick to the letter of what I have just cited as his view of the functions of his office, because if we are going to engage in these covert operations, they should never be started without the approval of the President and the approval of the Secretary of State; and the President and the Secretary of State should be kept advised constantly as to the progress of those operations, so they could call them off or could change direction at any time if it appeared to be in the national interest to do so. I feel very strongly, too, that under our constitutional system—so different from that of parliamentary countries—it is of the greatest importance that these covert operations be revealed on a classified basis in executive session, if necessary, or by private conversations to important Members, on both sides of the aisle, of both the House and the Senate.

So I have some doubts as to whether the nominee has the temperament, the background, and the kind of mind which qualify him not only to conduct these covert operations—which I say have become in the past, but I hope will not continue to be in the future, matters of policy—but also with respect to the daily reporting to the President of his evaluation of the intelligence which has been collected by the Agency and all other agencies over which he either presides or whose activities he coordinates.

This leads me to another subject, which is the future organization of the Central Intelligence Agency. The nominee told the committee that he had in mind a reorganization of the CIA. For that, I commend him. I suspect—although I do not know—that it is badly

needed. I would hope very much that covert operations would be separated administratively from the collection and evaluation function. In my judgment, those covert operations should be divorced from the responsibility of the objective, judicially minded individual who should be the head of the CIA.

I would like to see a far tighter rein kept in the future than has been the case in the past with respect to these covert operations.

Perhaps it was quite appropriate for the nominee to be unwilling to reveal to the committee, at least in open session, what his reorganization plans are; but I would hope that when he is confirmed—and I have no doubt he will be confirmed—he will do what he said he was going to do and tell the appropriate Members of the Senate who should know about these things—and they are not all on the Armed Services Committee, by any means—just what he has in mind with respect to that reorganization, and seek, if not their consent, at the very least their advice.

I turn now to the last of my digressions, which is the question of the responsibility for the supervision of the Central Intelligence Agency by the Congress of the United States.

It was said in the hearings that the Armed Services and the Appropriations Committees of the Congress do exercise a certain supervision over the activities of the CIA. I am in no position to say whether that supervision is adequate or not. I merely raise the question as to whether a far deeper probing and a continuous probing into the activities of that Agency is not only a part of the congressional duty, but also in the national interest. It is true that the Armed Services Committee has handled Central Intelligence matters since the act was passed in 1947. I question whether, so far as congressional supervision is concerned, there is not a much stronger case to be made for having the overseas intelligence functions under the Foreign Relations Committee than under the Armed Services Committee.

I am seriously concerned at the growth in our country, during the last year or two, of a certain militaristic attitude toward the conduct of our foreign affairs. I am concerned that we tend to become unduly emotional in our conflict with communism—and a serious conflict it is. I feel we tend to deal with it in terms of a holy war, just as that which took place for 700 years between the Mohammedans and the Christians, or that which racked Europe in the 17th century as a result of the war between Catholics and Protestants.

I fear that we do not look objectively and calmly at negotiations looking toward peace, at the possibility of disarmament, at the possibility of the strengthening of the United Nations in the interest of peace, at the possibility of following out the President's sound premise for total and complete disarmament, under enforceable world law, laid down in his magnificent speech before the United Nations on the 25th of September.

What does all this have to do with the nominee, one may ask? I think it has

just this to do with it. As someone said during the course of the hearings, or in one of the speeches—I guess it was the junior Senator from Minnesota—probably with reference to one of the executive agencies which from time to time looks at the CIA, the surveillance and supervision by Congress which has heretofore been given to the conduct of the operations by that Agency has been more in the nature of the polite inquiries of a visiting committee of alumni looking into the English department of the university from which they graduated than the kind of pretty tough supervision which the committees of this body give to a number of the other agencies of our Federal Government.

Again I say, Mr. President, I am in no position to make a categorical statement in this regard. I merely suggest to our colleagues and, through the CONGRESSIONAL RECORD, to the country, that this is a matter deserving of far greater consideration than we are able to give to it in connection with the consideration of this nominee.

I hope very much, once this nomination is out of the way, the appropriate committees of the Congress will not forget this matter, but will undertake, in consultation with the nominee when he becomes the Director of Central Intelligence, to see what can be worked out together to assure adequate supervision of an agency which, in its very nature, is very difficult indeed to supervise without the revelation of important facts and operations, which revelations might well not be in the national interest.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. CLARK. I shall be happy to yield. I told the Senator from Louisiana I would like to finish my speech. I yielded to him once. I shall be happy to yield to the Senator, but I shall not be too long.

Mr. McCARTHY. The legislation under which the Central Intelligence Agency was established describes it purely as an executive agency and provides for a report to the National Security Council. There is no provision in the law which requires a report to any committee of Congress, and the report, or what is described as a report, to the Armed Services Committee is incidental and is not a matter of determination for Congress, and not a matter of determination of law itself. It is not necessarily arbitrary, but is a choice which is made by the executive agency itself. It is not under any direction by the Congress. The only legislative control exercised under statute is the incidental one which arises from the fact that every executive agency must come at some time to Congress for appropriations; but in most cases requests for appropriations come before the act, which is couched in very general terms, and after the act the power of the Appropriations Committee to determine action is of very little significance, as the Senator knows.

Mr. CLARK. The Senator is quite correct.

I call to his attention and to the attention of our colleagues subsection (c) of rule XXV of the Standing Rules of the Senate, which deals with the func-

tions of the Committee on Armed Services. One will read through that subsection and look in vain to find a single peg on which to hang one's hat to ascertain that the Armed Services Committee has the slightest jurisdiction over the agency or intelligence generally; whereas, if one turns to subsection (1) of the same rule XXV, he will find that, under the functions of the Committee on Foreign Relations, the very first subsection is: "Relations of the United States with foreign nations generally"—the report upon which relations, indeed, is the principal function of the Central Intelligence Agency.

I would hope that the leadership on both sides of the aisle would give some consideration to whether the jurisdiction of this agency should not be moved under the Foreign Relations Committee.

I would also hope that the Committee on Government Operations would undertake a very careful investigation of the Central Intelligence Agency in the very near future for the purpose of assessing the effectiveness of its operations; the extent to which it should be reorganized, if at all; and to look very carefully into the question as to whether the "Department of Dirty Tricks" or covert operations should be separated from the intelligence governing functions which, without adequate background to make a considered judgment, I am presently of the view should be done.

I return, Mr. President, to the question of whether the nominee meets those last two characteristics to which I referred in the beginning of my remarks. First is the question of good judgment. My view on that is one which cannot possibly be sustained by a factual argument. I only say that in my opinion the Director of the Central Intelligence Agency should be a man of judicial temperament, a man who can weigh facts and law and opinion, correctly evaluate them, and state tersely and clearly the conclusion which results as he looks at different views.

Allen Dulles was a lawyer, but he was a man of great judicial temperament. He was objective. He was dispassionate. Perhaps he was not the world's greatest administrator, and I am sure he would be the first to admit he was not, but he was a man whose calm, cool, and considered judgment was entitled to the greatest of respect.

I raise the question as to whether Mr. McCone—able, intelligent, honest, stable—is a man of judicial temperament. I suspect that he is not. I am not, myself. I am an advocate. I believe in causes. I am convinced that peace and disarmament is the most important issue before the world today. I admit I cannot assess that problem with the calm, dispassionate objectivity which is desirable.

Mr. McCone is said to believe we should immediately resume nuclear testing in the atmosphere. He has believed this for some years. He opposed the moratorium. He feels it deeply in his bones. He has said so vigorously. I honor him for that opinion. As time goes on, it is becoming apparent that perhaps he is right. I do not think he was right in the first instance, but this is

a matter of opinion. After all, when one finds one's self in the present situation, with the Russians refusing even to negotiate any further, with the possibility of the national security involved, perhaps he is right now.

My real question is, Will not that strong, honestly held conviction not only about this question alone but also about a score of other matters, inevitably and perhaps subconsciously affect the objectivity and the validity of the evaluation of intelligence he will give to the President of the United States? If there is even a suspicion that this will be the case, should his nomination be confirmed for this position?

I have said to my friend from Missouri [Mr. SYMINGTON] privately, and I say it now publicly, that I should have been glad to support Mr. McCone to be Secretary of Defense or Secretary of the Army or Secretary of the Navy or Secretary of the Air Force, but I have very serious doubts as to whether a man of the temperament of an advocate is the proper kind of man to hold this most important position, in which judicial objectivity is of the highest importance.

Finally, Mr. President, I turn—and somewhat reluctantly—to the question of conflict of interest. I am not one who believes that our present conflict-of-interest laws are either wise or sound. I think they should be drastically revised in the interests of making it easier for able men from the business community and, for that matter, from our great labor unions, to come to Washington, D.C., and to serve the Government without having to be put on the gridiron with respect to theoretical conflict-of-interest considerations. I do say that as long as those laws are on the statute books they should be enforced, and in this instance I have a serious doubt amounting almost to a conviction that the holdings by Mr. McCone of over a million dollars' worth of stock of the Standard Oil Co. of California is both a legal violation of the conflict-of-interest laws but also a very unwise holding for him to continue. I hope very much that within the near future he will divest himself of that stock, not by putting it in an irrevocable trust in which he and his family will continue to have an economic beneficial interest from the holding, but by divesting himself of it by sale. This will be a sacrifice. This will cause him to pay a substantial tax. This will be perhaps unfair. However, if a man wishes to delve into the tortuous politics of the Middle East, where the relationships of the United States with the countries of Saudi Arabia, Jordan, Kuwait, Iraq, and Iran are concerned; if he wishes to inject himself into the tortuous politics of Castroism and his efforts to take over democratically elected governments in Latin America, such as Venezuela; then he should not have a substantial interest in any oil company, which inevitably is deeply involved in both the politics and economics of those countries.

I note parenthetically that the Armed Services Committee required Mr. McNamara to divest himself of his substantial stockholdings before recommend-

ing the confirmation of his appointment to the Office of Secretary of Defense a year ago, and the committee did not think Mr. McNamara's offer to place his stock in an irrevocable trust removed the conflict of interest.

I shall read into the RECORD a couple of excerpts from a memorandum furnished to me, at my request, by the legislative counsel which appears in full in the RECORD of January 29, 1962, at pages 1110-1112.

First I refer to section 434 of title 18, United States Code, which deals with "interested persons acting as Government agents" and provides:

Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such business entity, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

That statute was recently interpreted very broadly by the Supreme Court of the United States in one of the cases arising out of the Dixon-Yates transaction, *United States v. Mississippi Valley Generating Company* (364 U.S. 520), in January of 1961. I shall read a couple of excerpts from the opinion of the Court:

The moral principle upon which the statute is based has its foundation in the Biblical admonition that no man may serve to masters, Matthew 6: 24, a maxim which is especially pertinent if one of the masters happens to be economic self-interest. Consonant with this salutary moral purpose, Congress has drafted a statute which speaks in very comprehensive terms.

I paraphrase to say that the section is not limited in its application to Government agents who have a direct financial interest in the business entities with which they negotiate on behalf of the Government, or to a narrow class of business transactions. I resume the quotation:

Nor is the statute's scope restricted by numerous provisos and exceptions, as is true of many penal statutes. Rather, it applies, without exception, to whoever is directly or indirectly interested in the pecuniary profits or contracts of a business entity with which he transacts any business as an officer or agent of the United States.

It is also significant, we think, that the statute does not specify as elements of the crime that there be actual corruption or that there be any actual loss suffered by the Government as a result of the defendant's conflict of interest. This omission indicates that the statute establishes an objective standard of conduct, and that whenever a Government agent fails to act in accordance with that standard he is guilty of violating the statute, regardless of whether there is positive corruption. The statute is thus directed not only at dishonest, but also at conduct that tempts dishonest. This broad proscription embodies a recognition of the fact that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the Government. To this extent, therefore, the statute is more concerned with what might have happened in a given situation than with what actually happened. It attempts to prevent honest Government agents from succumbing to temptation by making it illegal for them to

enter into relationships which are fraught with temptation.

Then as the legislative counsel reviewed this case and the statute in substantially greater detail, he stated:

The language of the court suggests that certainty of financial gain is not a necessary element of section 434, but that a substantial probability of such gain will suffice under that section. Indeed, the court in its technical holding held if a Government agent may benefit financially from his transactions he violates the statute.

In conclusion the legislative counsel points out:

If Mr. McCone were to serve as Director of the CIA, section 434 of title 18, United States Code, could have no application unless, during his incumbency, the CIA did in fact have business transactions with one or more of the companies in which he then had a financial interest.

And again:

If in his capacity as Director of the CIA Mr. McCone were to participate on behalf of the Government in a business transaction with a company in which he is financially interested and from which he might realize financial gain, the provisions of section 434 would become applicable whether or not Mr. McCone believed his actions to involve a conflict of interest.

Finally, the legislative counsel said:

The decision in Mississippi Valley suggests that the giving of approval to a contract negotiated by others probably would be regarded as such a participation. What other forms of action taken by a Government officer with respect to a contract which may be regarded as participation remains undecided.

I turn now to the brief provisions dealing with conflict of interest which have been adopted by the CIA itself. Let me say that I have been reliably informed by my friend the Senator from Missouri [Mr. SYMINGTON], who is present in the Chamber, that the nominee did not know that these regulations of the Agency existed at the time he appeared before the Committee on Armed Services.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CLARK. I am happy to yield.

Mr. SYMINGTON. It does not make any difference whether or not the nominee knew, because he did exactly the same thing before the Senate Committee on Armed Services this time that he did the last time when he appeared before the Joint Committee on Atomic Energy. Both times he offered to do anything the committee thought proper with his securities.

It cannot be construed as a criticism of the nominee that he does not handle his securities in accordance with the wishes of the Senator from Pennsylvania. The criticism should be lodged against the members of the Committee on Armed Services.

Mr. CLARK. Mr. President, I return to my quotation from the regulations of the Central Intelligence Agency dealing with the conflict-of-interest question. They were printed in the January 29 issue of the CONGRESSIONAL RECORD at page 1112, in the third column. I repeat them now:

(b) Conflicts of Interest.

1. Definition. A conflict of interest is defined as a situation in which an Agency em-

ployee's private interest, usually but not necessarily of an economic nature—

And I stress that language—  
conflicts or appears to conflict—

I stress that language also—

with his Agency duties and responsibilities. The situation is of concern to the Agency whether the conflict is real or only apparent.

(c) Financial Interests. Employees may not (a) have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with their responsibilities and duties as Agency employees.

Mr. President, I now state briefly for the RECORD the facts gleaned from the hearings before the Committee on Armed Services with respect to the stockholdings of the nominee. These, too, appear in the January 29 RECORD at page 1115, in the third column:

Mr. McCone stated that he owned a little in excess of \$1 million of stock in Standard Oil of California. He stated that the company had "extensive reserves in Arabia and in the offshore island in the Persian Gulf of Bahrein, and also extensive reserves in Sumatra, and Venezuela."

Standard Oil of California is one of the four companies which makes up the Arabian-American Oil Co. (Aramco), along with the Texas Co., Standard Oil of New Jersey and Mobil Oil. Aramco, according to Mr. McCone, does have relationships with the governments of Arabia and Bahrein.

I interpolate the note that Standard Oil of California in its August 1961 report to stockholders, lists Mr. McCone as owning 18,318 shares, and as receiving 915 additional shares by way of stock dividend. The total value of 19,233 shares, according to New York Times listing for the \$54.25 closing price of Standard Oil of California on the New York Stock Exchange yesterday, is \$1,043,390.25.

Mr. President, I shall not deal in speculation. I shall not deal in published articles of syndicated columnists. I merely say that I think every well-informed American knows that the American oil companies are deep in the politics of the Middle East. We know also that the Central Intelligence Agency is deep in the politics of the Middle East. It is inconceivable to me that the Central Intelligence Agency representatives in the Middle East should not be in constant contact with the representative of the American oil companies in that area.

It may well be that sometimes the interests of the oil companies and the interests of the Central Intelligence Agency are not in accord, although most of the time they are. It has been widely alleged—and I have no way of knowing whether it is true or not—that in many instances the oil companies have been helpful to the Government of the United States, and no doubt to themselves also, in making arrangements for the Middle Eastern kingdoms and sheikdoms which involve business transactions covering large sums of money. I have no doubt that that will be the condition in the immediate future, for I see no immediate hope for the pacification of that unhappy area of the world; nor do I think it likely that in the years immediately ahead we will be able to avoid the type of covert operation in that area which I personally

very much regret but which in all likelihood is in the national interest.

Accordingly, Mr. President, because I am of the view that the nominee by temperament is not qualified to hold a job calling for a judicial temperament rather than that of a protagonist or advocate; because I am concerned about his views toward peace in the world and concerned by his apparent view that there is little immediate chance of achieving it, and that sole reliance on military strength is a better policy—and in this, to be sure, I am paraphrasing, because I have no quotations, and I may be doing the nominee an injustice, although certainly in his public record he is one who has not been an advocate of the kind of policy which in my judgment represents the greatest chance of peace to our country; and finally, because I have come to the conclusion that his holding of stock in the Standard Oil Co. of California violates the law with respect to conflict of interest, I must regretfully oppose the nomination.

Mr. PELL. Mr. President, I rise to congratulate the Senator from Pennsylvania [Mr. CLARK] on his articulate, well-thought-out, and brilliant speech.

Although I intend to vote for the confirmation of the nomination of Mr. McCone, I believe that the Senator from Pennsylvania and the Senator from Minnesota [Mr. MCCARTHY] have made a very real contribution to our understanding of the problem of the Central Intelligence Agency by the ventilation furnished by this debate.

I was particularly struck by the reference made by the Senator from Pennsylvania to the fact that he had little doubt as to Mr. McCone's ability, and that what was most important were the plans with regard to the organization of the CIA, which apparently is in very great need of reorganization.

I believe there are three areas of possible reorganization. The first was brought out by a picture which was printed in the January 14 issue of the Washington Post, which showed the Central Intelligence Building. An intern in my office counted the number of windows. There are 2,500 windows alone in the building, Mr. President. That fact would indicate that a very helpful start in its reorganization would be a reduction in its size.

The second reorganization, as the Senator from Pennsylvania has suggested, would be the separation of intelligence collection from the operations. Here, too, in the field of intelligence collection, there should be a further separation of covert collection of intelligence from overt research and analysis.

Third, Mr. President, I hope that the watchdog committee proposed by the Senator from Minnesota [Mr. MCCARTHY] may in fact come into being as a result of the debate on the nomination because—although I am misquoting Lord Acton—absolute power corrupts absolutely, but unwatched absolute power corrupts even more absolutely.

Mr. SYMINGTON. Mr. President, I join the Senator from Rhode Island in saying I too have been interested to hear those constructive elements in the presentation which has been made this

afternoon by the Senator from Pennsylvania.

Now back to the subject at hand. Mr. McCone believes, along with others, that the way to maintain peace is to stay strong so we can stay free.

The Senator from Pennsylvania dwelt on the personalities of Mr. Dulles and Mr. McCone. I know both. In my opinion Mr. McCone has at least as judicious a temperament as Mr. Dulles and I respect them both.

The question of whether we should or should not take the Central Intelligence Agency away from the Armed Services Committee should not develop into criticism of how Mr. McCone will perform his job.

I have a short memorandum about conflict of interest and McCone's position.

The conclusions of the memorandum submitted to Senator Clark by Mr. Hugh C. Evans, Assistant Counsel, Office of Legislative Counsel, are that there will be a conflict of interest if:

One. While Mr. McCone is Director of CIA, the agency had business transactions with one or more of the companies in which he has, at the same time, a financial interest;

Two. In his capacity as Director, Mr. McCone were to participate on behalf of the Government in a business transaction with a company in which he has a financial interest and from which he might realize financial gain.

If either of the above events were to occur, there would be a conflict of interest.

Prior to the assumption of office, Mr. McCone submitted to the General Counsel of the CIA for examination a list of his financial holdings, to determine if any conflict of interest existed. The General Counsel of the CIA submitted to Mr. McCone a written opinion, stating that no conflict of interest could be found on the basis of his holdings; that the Agency had no contracts with any of the companies in which Mr. McCone owns stock; and that, under existing statutes and regulations, no conflict-of-interest situation existed.

As Mr. McCone testified at page 44 of the hearings, this entire matter was reviewed with the Assistant Attorney General, Office of Legal Counsel, Department of Justice, who concurred in the opinion of the General Counsel of the CIA.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the memorandum of January 15, 1962, entitled "Memorandum on Conflicts of Interest," having to do with Mr. McCone's financial holdings, signed by the General Counsel of the Central Intelligence Agency.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

#### MEMORANDUM ON CONFLICTS OF INTEREST

1. We have reviewed the list of Mr. McCone's financial holdings which is attached hereto.

2. Stock ownership as such is not barred by the conflict-of-interest statutes. The problem arises only if a person with pecuniary interest in a company acts as an

officer or agent of the United States in the transaction of business with that company (18 U.S.C. 434). The Assistant Attorney General's memorandum to the assistant to the President in connection with Mr. McCone's proposed appointment to the Atomic Energy Commission stated that the mere coincidence of Mr. McCone's employment as Chairman of the Commission and the formation of a contract between the company and the Commission would not involve Mr. McCone in a violation of section 434. In this connection they cited an opinion by Acting Attorney General Rogers of August 5, 1957, in connection with the appointment of Mr. McElroy as Secretary of Defense. In this memorandum Mr. Rogers stated: "Although personal action on the part of the Secretary might pose a serious conflict-of-interest problem under section 434, I know of no judicial decision suggesting that the existence of ultimate official responsibility for all the activities of a department constitutes per se the 'transaction of business' within the meaning of section 434. Moreover, neither the express language of the section nor its legislative history are indicative of such a result."

3. I have had the companies shown on the list of Mr. McCone's holdings checked by the appropriate components of the Agency. We have no business negotiations or contracts within the meaning of section 434 with any of them. We have in the past had research and development and procurement contracts with one company, but at the present time we are merely following certain programs being carried out by the company for possible future interest.

4. I am of the opinion, therefore, that no question of conflict of interest arises out of the financial holdings of Mr. McCone. I have discussed this with the Assistant Attorney General, Office of Legal Counsel, Department of Justice, and he concurred in my opinion.

LAWRENCE R. HOUSTON,  
General Counsel.

Mr. SYMINGTON. Mr. President, the Senator from Pennsylvania [Mr. CLARK] placed in the RECORD excerpts from the Central Intelligence Agency's rules on employee conduct, dealing with conflict of interest. This regulation on employee conduct was issued pursuant to the requirements of Executive Order No. 10939, in which the President directed each department and agency head to review and issue internal directives appropriate to his department or agency to assure the maintenance of ethical and moral standards therein. The agency regulation thus issued on August 29, 1961, was designed to acquaint employees and supervisors with proper standards of conduct and to encourage the bringing forward of all situations, even though they might only apparently involve conflicts of interest. It was intended that there be full and careful review of any potential situations involving conflict of interest, to determine necessary actions to be taken if any such situation did exist.

Mr. McCone followed that procedure by submitting to the Agency, shortly after his nomination to the Office of Director of Central Intelligence was announced by the President, a list of his personal holdings so they could be reviewed.

As indicated, after thorough review, by the Agency General Counsel and approval by the Attorney General's office, it was concluded that no conflict of interest was involved.

A Member of this body told me he felt this opinion of the counsel of the Central Intelligence Agency was weak. The memorandum does not read weak to me. But to satisfy myself, I talked to the General Counsel of the Agency concerning the question, and asked him:

Mr. Houston, some of my colleagues feel that the memorandum on conflicts of interest, which you wrote as of January 15 with respect to Mr. McCone's financial holdings, is weak.

It seems to me that it is a statement which says that he does not have a conflict of interest. Would you be good enough to let me know how you feel about it?

Mr. Houston dictated this reply:

While the memorandum necessarily discusses in detail the statutory restrictions on conflicts of interest, in writing it we took consideration all Agency policies and regulatory issuances, and in addition the overall position of the Director of Central Intelligence, and I felt that no aspect of these considerations presented a conflict of interest, and the memorandum so concludes.

I still believe this is the correct conclusion.

Let me say again that if there is any difference, it is a difference with the Armed Services' Committee, because Mr. McCone has agreed to handle his holdings as the committee believes desirable.

Mr. President, I yield the floor.

Mr. SMATHERS. Mr. President, I have carefully read the hearings before the Committee on Armed Services on the nomination of John A. McCone to be Director of Central Intelligence, and have concluded that in the light of his background and wide range of experience in positions of high public trust under both Democratic and Republican administrations, that the people of the United States are indeed fortunate to obtain his services once again.

Mr. McCone's outstanding qualifications, his tested ability and unquestionable character are matched by few men in public service. There is no question in my mind but that he will carry out his responsibilities with the same degree of distinction and honor in which he has performed in past positions of high public trust.

The President of the United States is to be congratulated on selecting an individual with such outstanding qualifications for this important and sensitive post of high public trust.

I shall vote for his confirmation.

#### AMERICA AND THE SUPERPATRIOTS

Mr. MCGEE. Mr. President, I invite the attention of Senators to a letter written to the editor of the Sheridan, Wyo., Press. The letter was written by Mrs. Edna Stewart, of Story, Wyo. In the letter she wrote of her faith in America and our basic freedoms, and directed particular attention to what she calls the superpatriots and their arbitrary attitude in regard to who is to judge who is patriotic. The views she has presented in the letter are so well balanced and so stably put that I believe her letter should have much wider circulation than it would receive in the local press. Therefore I ask unanimous

consent that the entire letter be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

#### READERS' VIEWPOINTS

##### EDITOR OF PRESS:

For a change, I should like to accentuate the positive, and I will begin by saying I think the United States of America is just fine and dandy the way she is.

Of course nothing in the affairs of men is quite perfect. We seem to have abroad in the land too many disgruntled frustrates who exist and have their being in a perpetual state of hate, fear and suspicion. It would be hard to say just what to do for what ails these people.

Among them is the candymaker from New Hampshire. In one way he reminds me a little of a much greater man than he, the genius industrialist, Henry Ford the first. The latter became somewhat swollen in importance perhaps, for after all he was a very important man. This man outside of his own sphere understood so little about the world about him that he thought single-handed he could stop World War I by sailing his "peace ship" to Europe. How unrealistic can a man get?

I say to all such men—stick to your lasts.

The word "democracy" is a bad word among the frustrates. They call it "mobocracy" and they are pleased to say that this country is a republic—not a democracy.

Most of us would proudly proclaim it is both.

Some of these people see a Communist behind every bush and resort to name calling. I myself have never seen a Communist or anyone I thought could be one and anyway I'll leave all that to J. Edgar Hoover who seems quite competent. I say to all such people stick to your last and mind your manners. Some of these people believe that special qualities for leadership lie with those whose ancestors have long been on these shores. Shades of Hitler. The master race, remember?

And then, the military heroes. In these spheres you must have a military hero. The Nazis had Horst Wessel and the Birchers have John Birch.

They hate what they call intellectualism. Yes, they may well hate the free play of intellect. They are smart enough to know their natural enemy. With them the people should be told what to do.

Among the superpatriots there are those who want to burn books. Again shades of Hitler. As for me I have every confidence in our teachers and schools and what's in the books. I'll gladly leave it to qualified people. I say to all self-appointed book burners, stick to your last.

The holler-than-thou, smug attitude of these superpatriots could well generate a little heat under the collar if it weren't for the saving grace of humor. Heaven knows, no saving grace of humor exists in their grim midst. But what a target for the Bob Newharts and Mort Sahlis of this world and oh the sacrilege of it. Upstarts, fresh from the east side daring to have a hey day with the rock-ribbed patriots. Tut, tut, can such things be?

I say a little humility on the part of these superpatriots would grace them well.

In concluding, I would say that whatever comes the American people will never choose a sawdust Hitler for a leader.

It would be a pleasure to enumerate what some proven patriots have to say about this radical right, the self-proclaimed patriots, but time and space do not allow.

EDNA STEWART.

#### SECRETARY RUSK SUMS UP FREEDOM'S CASE

Mr. McGEE. Mr. President, I was very much impressed by excerpts from the address delivered by Secretary of State Dean Rusk to the Foreign Ministers at the meeting of the Organization of American States now going on in Punta del Este, Uruguay.

In itself, his message constituted such a ringing statement of confidence in the basic operations of a free society and in our competitive capabilities in a jungle world with communism and communism's well-advertised goals, that I believe these excerpts from his address deserve much wider circulation, in order that many more Americans may be able to read them.

I wish to read the concluding paragraph, which is exceedingly eloquent. Secretary of State Rusk said:

Communism is not the wave of the future. Communists are only the exploiters of people's aspirations—and their despair. They are the scavengers of the transition from stagnation into the modern world. The wave of the future is the peaceful, democratic revolution symbolized for the Americas in the Alliance for Progress—the revolution which will bring change without chaos, development without dictatorship, and hope without hatred.

I ask unanimous consent that the entire report on the address by Secretary of State Rusk be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

#### RUSK SUMS UP FREEDOM'S CASE

(By Secretary of State Dean Rusk)

(These excerpts are taken from Secretary Rusk's Thursday speech before the hemisphere foreign ministers' meeting in Punta del Este, Uruguay.)

There are those in every land who resist change, who see the society they know as the climax of history, who identify their own status and privilege with the welfare of their people, and who oppose the vital land and tax reforms necessary for the completion of our work. But their resistance is doomed to failure.

The 19th century is over; and, in the 20th, people across the earth are awakening from centuries of poverty and oppression to claim the right to live in the modern world. "The veil has been torn asunder," wrote Bolivar, "we have seen the light; and we will not be thrust back into the darkness." No one can hope to prolong the past in a revolutionary age. The only question is which road we mean to take into the future.

This is not a question alone for this hemisphere. It is a question faced everywhere in the world. On the one hand are those who believe in change through persuasion and consent—through means which respect the individual. On the other are those who advocate change through the subjugation of the individual and who see in the turbulence of change the opportunity of power.

History shows that freedom is the most reliable means to economic development and social justice, and that communism betrays in performance the ends which it proclaims in propaganda. The humane and pragmatic methods of freemen are not merely the right way, morally, to develop an underdeveloped country; they are technically the efficient way.

If there is tension in Berlin today, it is because of the failure of the regime in East

Germany and the flight of tens of thousands of its people toward freedom and expanding opportunity.

Recognizing its failure in the underdeveloped world, recognizing that its greatest enemy is the process of peaceful and democratic development, communism in recent years has concentrated—in Asia, in Africa, in the Middle East, now in our own hemisphere—on using the troubles of transition to install Communist minorities in permanent power. The techniques by which communism seeks to subvert the development process are neither mysterious nor magical. Khrushchev, Mao Tse-tung, and Che Guevara have outlined them in frankness and detail. They seek first to lay the political basis for the seizure of power by winning converts in sections of the populations whose hopes and ambitions are thwarted by the existing order. Then they try to capture control of broadly based popular movements aimed ostensibly at redressing social and economic justice.

In some cases they resort to guerrilla warfare as a means of intimidating opposition and disrupting orderly social progress. At every point the Communists are prepared to invoke all the resources of propaganda and subversion, of manipulation and violence, to maximize confusion, destroy faith in the democratic instrumentalities of change and open up the way for a Communist takeover.

As for its claim to social justice, Chairman Khrushchev himself has given the most eloquent testimony of the inevitability of monstrous injustice in a system of totalitarian dictatorship.

Nothing shows more clearly the failure of communism to bring about economic development and social justice than the present condition of Europe. The bankruptcy of communism is etched in the contrast between the thriving economies of Western Europe and the drab stagnation of Eastern Europe—and it is symbolized in the wall of Berlin, erected to stop the mass flight of ordinary people from communism to freedom.

The proponents of free society need have no apologies. We have moved far beyond the rigid laissez-faire capitalism of the 19th century. The open society of the mid-20th century can offer the reality of what the Communists promise but do not and cannot produce—because the means they are using, the techniques of hatred and violence, can never produce anything but more violence and more hatred.

Communism is not the wave of the future. Communists are only the exploiters of people's aspirations—and their despair. They are the scavengers of the transition from stagnation into the modern world. The wave of the future is the peaceful, democratic revolution symbolized for the Americas in the Alliance for Progress—the revolution which will bring changes without chaos, development without dictatorship, and hope without hatred.

#### THE TARIFF NEEDS AN ADULT APPROACH

Mr. McGEE. Mr. President, yesterday there was published in the Washington Evening Star an article which the distinguished columnist, William S. White, wrote on the tariff problem which will face this body in the days ahead. The article is an appraisal of President Kennedy's trade ideas. Bill White's suggestion is that there is no place for petty partisanship in the consultations, deliberations, and controversies which will arise over the new approach to our trade

problems. I believe his article warrants reprinting in its entirety in the CONGRESSIONAL RECORD, and I ask unanimous consent that that be done.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**TARIFF NEEDS AN ADULT APPROACH—APPRAISAL OF KENNEDY'S TRADE IDEAS IS NO PLACE FOR PETTY PARTISANSHIP**

(By William S. White)

The great, grave issue of this year—and perhaps of many years to come—has now at last been formally put before the country.

This is President Kennedy's long message to Congress asking for unexampled Presidential authority to cut tariffs in vast sweeps. The central purpose is to associate this Nation with the six-nation European Common Market and so to enter a new world of immensely enlarged trade with all its opportunities—and all its possible trials and dangers.

The hour has struck for bigness—for big ideas, for big debates among big-minded men. It is much too late now for littleness—for little ideas, for little disputes among little-minded men, for petty partisanship, for girlish screaming over tags like "liberal" and "conservative," for frantic worrying over who is a Democrat and who a Republican.

For this is not a Republican issue, not a Democratic issue. This is an all-American issue. This is not something to be resolved by two-bit manifestos. This is not to be discussed as though it were a public housing bill or some mere good guy-bad guy contest.

The opportunity is at hand for the most thoughtful, the most adult, the most responsible national debate we have known since World War II. And the duty, as well as the opportunity, for just such a debate is also at hand.

Mr. Kennedy has massively influential support here—from the largest of large business; from the most articulate, generally, of the private voices of this country; from such outstanding Republicans as Dwight D. Eisenhower and former Secretary of State Christian Herter.

The opposition, actual and latent, is more dispersed and, on the whole, less blessed with "names." It is, however, a formidable and honest opposition which is entitled to be heard in full respect and understanding. For it is no good denying that this plan will work some scattered hardship, among communities and industries which have thus far remained economically going concerns only through the assistance of tariff protection.

It is also no good denying that the vast association upon which we propose to embark will raise new problems, economic problems of kinds with which we have not yet dealt. It is also no good denying that the European end, at least, of this proposed new trade association, the Common Market, ultimately will find itself facing poignant new political problems, too. For in Europe this union for trade will reach more and more toward political union as well. In the end will come some undeniable loss or dilution of individual national sovereignty there.

Now, in all the circumstances, it is conceivable that President Kennedy could simply bulldoze his bill through Congress, given the power and prestige of his forces. He could not wisely do this, however. For this is a historic and capital matter entitled to the most earnest and searching scrutiny by Congress and by every responsible adult in this country.

This correspondent, for one, does not hesitate to say that he is for the plan. All his life he has believed that freer world trade would cure most of the world's troubles.

Moreover the enormous Western trade grouping in prospect here would make the free world so strong as to make a farce of Khrushchev's threat to "bury" that world by his own slave economy.

But let the protectionists be heard to the end—again, heard in full respect and understanding. For this great national decision will be no good and will not endure unless it has been reached at last in a true, and an informed national consent.

#### CASTRO AND CASTROISM

Mr. McGEE. Mr. President, there appears in the Washington Post of today an article in which Walter Lippmann takes his usual objective view of a very controversial and troublesome question now in our midst; namely, that of Castro and Castroism. In the article Mr. Lippmann utters a word of caution to those who would act impetuously, particularly as they react to the attitude of some of our neighbors to the south on the Castro question. It is Mr. Lippmann's view that we should be a little more tolerant and a little more understanding of the caution exhibited by some of our friends to the south of us. I believe that the entire article warrants reprinting in the CONGRESSIONAL RECORD, and I ask unanimous consent that that be done.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### CASTRO AND CASTROISM

(By Walter Lippmann)

The Castro problem is how to deal with a hostile regime without using military force to overthrow it. The Foreign Ministers at Punta del Este have been seeking the beginning of a solution for that problem. Castro has no avowed and quite certainly no genuine sympathizers and supporters among the Governments of the American Republics. But there has been an important division of view as to what it is wise and expedient to do about him.

The division, as we have learned, is between the Republics which lie on the shores of the Caribbean facing Cuba and, with the rather special exception of Mexico, the big countries of South America which are a long way by sea or land from the troubled Caribbean.

I would venture a guess that this geography explains the theoretical differences between the so-called soft and hard positions at the Conference. The Caribbean countries which have taken the hard line, are physically within reach of Cuba. The distances by sea and air are fairly short, and it is rather easy for Castro's revolutionists to infiltrate countries around the Caribbean, to do gun running to local rebel bands among them.

But the big South American countries, which are separated from Cuba in the Caribbean by the Andes Mountains, the jungles and the great hump of Brazil, are not directly threatened by armed intervention. For them the danger of Castro comes primarily from his legend as the Robin Hood who has robbed the rich to help the poor.

Castro does send propaganda and agitators into southern South America. He uses diplomatic facilities if he has diplomatic relations and if not, borrows the facilities of European and Asian nations which are sympathetic with him. But all this activity is of little consequence as compared with the legend of Castroism, the legend that Castro is the friend of the poor.

The soft group of governments have acted as they have acted not because they

want to help Castro, and not because they are afraid to anger him, but because they know that legends are not destroyed by strong adjectives. The legend would not be dissolved by breaking diplomatic relations and driving Castro entirely into the underground. The legend would not be destroyed by economic embargoes especially since Cuba has no important trade with Latin America.

From our point of view it would have been a calamity if we had forced the issue to a point where with the backing of the weakest part of Latin America we overrode the views of the strongest part. It would have been a calamity to win such a victory because it would have split the inter-American system, with twice as many Latin Americans opposed to us as were with us.

What we really needed, and perhaps have gotten, is that a preponderant majority of our American neighbors state clearly that Castro and Castroism are hostile to the inter-American system. When that is achieved, the practical question of what to do about Castro is not a matter of words or of sanctions. It is a matter of coordinated and cooperative counterespionage in this hemisphere. That must be largely a secret operation in order to identify and frustrate subversive agents. It cannot be done with a brass band and a television camera but only by close working arrangements among the Governments.

Effective counterespionage can deal with Castro's interventions in this hemisphere. It will not and cannot deal with his legend, with Castroism. Counterespionage will not save the corrupt dictatorships that still remain. It will not save the incompetent democracies. And while there must be counterespionage to make sure Castro minds his own business in Cuba, it is no substitute for doing what the Alliance for Progress has promised to do.

#### DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. MANSFIELD. Mr. President, I have been listening with much interest to the debate on the question of confirmation of the nomination of John A. McCone to be Director of Central Intelligence.

I realize that this position is a highly sensitive and most difficult one. I do not know Mr. McCone intimately but I do know him to a degree; and I have observed his service as an Under Secretary for the Air Force, in a Democratic administration; as Chairman of the Joint Commission on Atomic Energy, under a Republican administration; and as the appointee under the Democratic administration of President Kennedy to be head of the Central Intelligence Agency—the nomination which the Senate is now called upon to consider, and about which it must reach a decision.

Mr. McCone has proved to be a most efficient, effective, and patriotic servant of this Government. He has served in positions of great trust and responsibility, and he has executed his duties faithfully and well.

There is a question of conflict of interest. It is a most difficult and vexatious question. Under the preceding administration—a Republican administration—I felt at times that something should be done to correct the methods by which we judged men, and which on

occasion kept good men out of government, because of their business interests.

It seems to me that there could be found some way whereby a nominee to a high post in our Government could be accorded a greater degree of respect, and whereby he would not be considered to be lacking in integrity because he happened to be wealthy. Nevertheless, the spirit of the conflict-of-interest laws should be maintained, in order that the interests of the public, the Government, and indeed the various nominees to public office may be protected. As I say, the question is a difficult one. It has plagued both Democratic administrations and Republican administrations.

Mr. President, now that I have expressed my feeling on this question, I hope that at an appropriate time the appropriate committees will look into the question of appropriate conflict-of-interest law revision, and will ascertain whether they can clarify the matter and can arrive at better procedures.

I recall the very effective job Mr. McCone performed as Under Secretary of the Air Force. I know how, in the Atomic Energy Commission, he brought a good degree of order out of a difficult situation, and in so doing—at least, such is my understanding—earned the confidence of all members of the Joint Committee on Atomic Energy; and I am sure he holds that confidence to this day.

The charge has been made that he has not had much acquaintance with intelligence activities. Maybe not. I do not know. But certainly, as an Under Secretary of the Air Force, as Chairman of the Commission on Atomic Energy, he must have had some contact with activities of this kind, and certainly he must have gained considerable experience in intelligence matters related to the security of the United States.

Mr. President, I intend to vote for John McCone, because of the personal faith and confidence I have in him, and because he is the President's nominee; and I think that, under the circumstances, it would be fitting if a substantial majority of this body gave a vote of confidence to this nominee. I am sure the President and the Congress will not be disappointed in his directorship of the Central Intelligence Agency.

I intend to vote for Mr. McCone tomorrow.

Mr. DIRKSEN. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I am glad the distinguished majority leader alluded to the necessity for action in this field. Last year the President sent a message to the Congress on the matter of conflict of interest. A bill was submitted by the Attorney General. Some hearings have been held. There are items to be considered in that bill, but it is highly necessary, because the statutes with which we deal now, and that come into play with respect to many nominees, go back as far as the year 1873.

I concur in the majority leader's views in that respect, and I hope the Judiciary Committee, to which those matters have been referred, can, before too long, finish its deliberations and bring these bills to the Senate Calendar.

#### LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader about the schedule for the remaining days of the week, and perhaps the early days of next week.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is the intention to bring up tomorrow, after conclusion of the vote on the nomination of Mr. McCone which will take place at 2 o'clock, three treaties which are on the Executive Calendar—Executive G, the convention between the United States of America and Canada; Executive M, the international convention for the northwest Atlantic fisheries; and Executive N, a protocol dated at Montreal June 21, 1961, relating to an amendment to the Convention on International Civil Aviation.

To the best of my knowledge, these treaties were reported out of the Committee on Foreign Relations unanimously, and I do not know of any opposition to them.

Then it is anticipated that the Senate will go over from tomorrow until Friday, and it is hoped at that time we can take up the bill for higher education, Calendar No. 1053, S. 1241.

It is hoped that following that, on Monday or as soon thereafter as is possible, the money resolutions will be taken up, under the various committees, subcommittees, special committees, and so forth, live and function.

It is anticipated that shortly thereafter consideration will be given to Calendar No. 891, S. 2520, a bill to amend the Welfare and Pension Plans and Disclosure Act with respect to the method of enforcement and to provide certain additional sanctions, and for other purposes.

That ought to bring us pretty close to, if not beyond, the period set aside for the commemoration of Lincoln's birthday, which, to repeat, will include February 9, 10, 11, 12, and 13, inclusive, days on which there will be no votes, and perhaps February 8 and February 14. However, so far as the 8th and 14th are concerned, no definite commitments have been made. None will be made. It will depend on circumstances on those days as to whether or not there will be a vote.

Mr. DIRKSEN. I thank the majority leader. That gives us a chance to set personal schedules actually some time beyond that point.

#### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate return to legislative session.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

#### CONVEYANCE OF CERTAIN REAL PROPERTY TO THE STATE OF WYOMING

The PRESIDING OFFICER (Mr. HICKEY in the chair). The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 3879) to authorize and direct the Secretary of Agriculture to convey to the State of Wyoming for agricultural purposes certain real property in Sweetwater County, Wyo.

#### EXTENSION OF COMPLETION TIME FOR FREE BRIDGE BETWEEN UNITED STATES AND CANADA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1133, Senate bill 512, and that it be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 512) to extend the time for completion of the free highway bridge between Lubec, Maine, and Campobello Island, New Brunswick, Canada.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

#### EXECUTIVE SESSION

The Senate resumed the consideration of executive business.

#### DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. CASE of South Dakota. Mr. President, I have been reviewing the testimony which was taken by the Committee on Armed Services in the hearings on the nomination of Mr. McCone to be Director of Central Intelligence. In reviewing that testimony, and in looking at the statement of holdings which he filed with the committee in response to my request, a question occurred to me which I think should be raised and which should be brought to the attention of the Senate.

In view of the fact that the voting will take place tomorrow at 2, I regret that I did not look up this point earlier, because, I must confess, I do not have as much information as I should like to have at this time.

During the testimony Mr. McCone gave, it became apparent that the majority of his business interests have to do with the transporting of oil and the transporting of other bulk commerce in world sealanes for one purpose or another.

The question occurred to me this afternoon, as I was looking over the testimony, as to whether or not that established a tax-free status for the income from these corporations and the shipping operations which are his primary business activity.

The Internal Revenue Code, section 883, under the title "Exclusions From Gross Income," provides:

The following items shall not be included in gross income of a foreign corporation, and

shall be exempt from taxation under this subtitle:

(1) SHIPS UNDER FOREIGN FLAG

Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

During the past hour or so I asked my administrative assistant to consult as many tax authorities as he could. It is his tentative opinion that the operation of that section of the statute would exclude from liability for taxation under the income tax laws of this country ships which are under a foreign flag if the flag of that country grants an equivalent exemption to citizens of the United States.

I have not had time to determine whether that would be applicable to ships under the Norwegian flag or to ships under the Panamanian flag, but this becomes a question of considerable importance because of the testimony as to the chartering of ships which are operated by companies in which Mr. McCone is interested.

At page 66 of the printed hearings I asked Mr. McCone the following:

You have testified that you were the sole owner of Joshua Hendy in the operations of Trans-World Carriers, of which Joshua Hendy apparently owns one-fourth, and Global Bulk one-half. Would you say you had no indirect interest in the operation of Trans-World Carriers?

Mr. McCone replied:

No; I have a direct interest in Trans-World Carriers, no question about that. Because, as a matter of record, and this is a change from the situation that existed in 1958, I have personally acquired and own now the great majority of the stock in San Marino Corp., and, therefore, through the sole ownership of Joshua Hendy Corp. and the ownership of 85 percent of San Marino Corp., I own practically half of Trans-World Carriers at this point.

That testimony which he gave in answer to my question is at variance with or should be regarded as a modification of his earlier statement, when he was questioned by the Senator from Massachusetts [Mr. SALTONSTALL].

The Senator from Massachusetts [Mr. SALTONSTALL] referred to the investigation of a subcommittee in May 1950, and the interrogation at that time, when Mr. McCone was appointed to be the Chairman of the Atomic Energy Commission. The Senator from Massachusetts asked him:

Have any of the facts which you gave out in your memorandums, in your letters in 1950 and in 1958 to the committees, changed between 1958 and the present time?

Mr. McCone answered:

No. There has been no change.

However, when I interrogated Mr. McCone with respect to the matter of the ownership of Trans-World Carriers, he said:

No; I have a direct interest in Trans-World Carriers, no question about that. Because, as a matter of record, and this is a change from the situation that existed in 1958.

I emphasize that by rereading it, because I think Mr. McCone sought to cor-

rect his earlier statement when this was called to his attention, but it also has significance because in a subsequent statement he said he owned the great majority of the stock in San Marino Corp. The San Marino Corp. was referred to earlier in the testimony as a Panamanian corporation.

Subsequently in the testimony I asked Mr. McCone:

Do you know of any working arrangements or partnerships between the Joshua Hendy Steamship Line or its affiliate, Panama Pacific Tankers, and affiliates or subsidiaries of States Marine?

Mr. McCone replied:

Yes. There are joint arrangements—whether they are with States Marine or whether they are with Global Bulk Carriers, I could not say, but it is a little hard to differentiate between the two or three corporate structures on States Marine side.

I then asked:

Do you know whether or not there is a working agreement between States Marine and Global Bulk and the San Marino Co. for the chartering of certain ships through Navios, a subsidiary of United States Steel?

Mr. McCone replied:

Yes, I believe there is a working relationship; the relationship between Trans-World Carriers and Navios and Trans-World Carriers is, in turn, owned by the people you have indicated.

As I read from the testimony earlier, Mr. McCone owns practically 50 percent, through his other ownership, of Trans-World.

The following colloquy then occurred:

Senator CASE. You have a partnership with States Marine directly or through a subsidiary in the operation of any Norwegian-flag tankers built in Japan for Trans-World?

Mr. McCONE. Yes, we do that. We have a tanker that we own jointly that was built in Japan and registered under a Norwegian flag, and we have it under charter from a Norwegian corporation.

Senator CASE. Do you recall the name of that ship?

Mr. McCONE. I was trying to think of it. No, I do not recall it, Senator.

Senator CASE. Is that vessel engaged in transporting oil?

Mr. McCONE. Transporting oil; yes, sir.

Senator CASE. For Standard Oil of California?

Mr. McCONE. For Standard Oil of California; yes, sir.

Senator CASE. Why is it necessary to have complicated arrangements where you build vessels in Germany or Japan, and then leased to Norwegian operators to fly under Panamanian or Norwegian flags rather than U.S. flags?

Mr. McCONE. The vessels are owned by Norwegian companies and they are operated under Norwegian flags, and that is the only way that they could be competitive because of the high costs of American-flag operations.

Our American-flag operations are restricted to the protected areas of trade such as the coastwise and intercoastal trade.

Senator CASE. Do you know where the principal oil reserves of Standard Oil of California are?

Mr. McCONE. In a general way, yes, I do, Senator. I know they have extensive reserves in Arabia and in the offshore island in the Persian Gulf of Bahrein, and also extensive reserves in Sumatra, and in Venezuela.

Mr. President, all this becomes significant as one goes back through the record and notes that the steamship operating companies affiliated either with Joshua Hendy, of which Mr. McCone testified he owned 100 percent, or with other companies in which Mr. McCone owns a majority interest, either directly or through a subsidiary company, are largely Panamanian companies.

Panama Pacific Tankers, in which Mr. McCone owns a substantial interest, is a Panamanian corporation. Its bulk cargoes in world commerce are principally iron, coal, and some oil.

San Marino, in which Mr. McCone owns 85-percent interest, is a Panamanian corporation.

Redwood Corp., of which he is a substantial owner, is a Panamanian corporation. Its business is the worldwide movement of petroleum.

Trans-World, of which Mr. McCone indicated he had 50-percent ownership, is a Panamanian corporation.

These facts lead one to wonder if a part of the problem of the high cost of American-flag operations does not relate to the income tax liability of ships operated under the American flag as well as to other high costs which might be suggested in the statement:

The vessels are owned by Norwegian companies and they are operated under Norwegian flags, and that is the only way that they could be competitive because of the high costs of American-flag operations.

I cannot say, because time has not been available to run it down through independent sources, and the hearings before the committee on the nomination of Mr. McCone have been concluded.

During the time we were taking testimony from Mr. McCone I asked him at some length about the record which was established by the House Committee on Merchant Marine and Fisheries under the chairmanship of Schuyler Bland, of Virginia, when the committee interrogated him and conducted an extensive investigation into the profits which were made by Mr. McCone's company as a shipbuilding corporation during the early stages of World War II.

The testimony is set forth in some detail in the hearings on Mr. McCone's nomination, as well as in the original hearings conducted by Mr. Bland. The testimony indicates that the California Ship Building Corp., which was organized by Mr. McCone and some others with about \$100,000 capital, in a year declared a dividend of a million dollars, half of which was paid in cash and the other half of which was by subscription to capital, so the capital of the corporation was increasing to \$600,000.

The testimony of the Comptroller General was that profits grossing about \$44 million were made in a relatively short time by the California Ship Building Corp., using facilities which had cost the Government \$25 million.

Mr. McCone is entitled to have it said that he contended at the time, and he contends now, that in addition to the \$100,000 of actual cash which he and his associates put into the California Ship Building Corp., they subordinated

loans of \$2 or \$3 million to the corporation. But in any event, a very substantial profit, running into many millions of dollars, was made.

The thing which originally intrigued my interest on this subject was that by some action of the U.S. Maritime Commission, back in about 1946, the operations of the California Ship Building Corp. in this connection were exempted from the operations of the renegotiation statute. The renegotiation statute stemmed from an amendment which I offered to the sixth supplemental defense bill, which was passed in the House of Representatives in April of 1942. At that time it was intended that no exemption should be made from the operations of the renegotiation statute except by a decision of the renegotiation officials, that is, the Price Adjustment Board or other agencies which were its successors. I talked with the counsel of the Renegotiation Board only a few days ago in connection with this subject, and he said that it was clear today that no agency of the Government, aside from the Renegotiation Board, had the discretion to exempt a corporation from operation of the renegotiation statute.

But apparently back in 1946 the Maritime Commission presumed to exempt the operations of the California Shipbuilding Corp. from renegotiation. Whether because of that action or not I do not know, but they made very large profits—profits so large, in fact, that Ralph Casey, who was a representative of the General Accounting Office, testified before the Committee on Merchant Marine and Fisheries of the House of Representatives:

I daresay that at no time in the history of American business, whether in wartime or in peacetime, have so few men made so much money with so little risk, and all at the expense of the taxpayers not only of this generation but of generations to come.

During World War II it became apparent that Mr. McCone and his associates discovered that one way to make a good deal of money, and make it in a hurry, was to be exempted from the normal operations of renegotiation, or to avoid recoveries by the Treasury Department, the Bureau of Internal Revenue, or the Price Adjustment Board. The question that inevitably comes to my mind in connection with a review of the testimony of these various world shipping operations is that company after company is organized under the laws of Panama, and ships travel either under the Panamanian flag or under the Norwegian flag, if it is a ship chartered by Norway. Mr. McCone has said:

This is the only way they could be competitive because of the high cost of American-flag operations.

I hope that Mr. McCone will learn of my statements on the floor of the Senate at this time. Because of the time limitation and because of the time fixed for the vote tomorrow, this is the only time at which they could be made. I am not saying that the bulk of the admittedly large wealth which he has accumulated is due to the fact that operating ships under Panamanian corpo-

rations or under the Norwegian flag has exempted all of the income from liability for taxes of the United States. But I should like to know whether or not that is the case, for the citation from the Internal Revenue Code which I read earlier clearly exempts from taxation under the head "Exclusion From Gross Income: Ships Under a Foreign Flag." I think that point has a bearing upon the issue, and it is quite apart from what is normally considered conflict of interest.

The conflict-of-interest statute relates to procurement, and it specifically provides that—

Whoever, being an officer, agent or member of, or directly or indirectly interested in the pecuniary profits or contracts of any corporation, joint-stock company, or association, or of any firm or partnership, or other business entity, is employed or acts as an officer or agent of the United States for the transaction of business with such entity, shall be fined not more than \$2,000 or imprisoned not more than two years, or both.

That is paragraph 434, title 18, United States Code. That provision clearly is restricted to one who "acts as an officer or agent of the United States for the transaction of business with such entity."

I do not suppose that the Central Intelligence Agency will have a great deal of business with these various shipping companies. I do not suggest that the CIA will have a great deal of business with the Standard Oil Co. of California or some of the other firms from whose directorship Mr. McCone has resigned, but in which he still owns substantial interests, in many instances amounting to a million dollars or more. But I do suggest that logical questions in the mind of anyone concerned with the activities of the Central Intelligence Agency are, "Where are a man's interests? What is his background? Is he objective?"

At the outset of my questioning during the hearings, when Mr. McCone was before the Committee on Armed Services, I said to him that I respected his ability. I coveted his ability for the service of the United States, but I hoped that we might be able to determine and demonstrate his objectivity.

I think he was frank with the committee. I did not detect any evasion on any question that was asked. A man is entitled to the use of notes to refresh his memory of incidents that occurred 15 or 16 years ago. But admitting all that, when we remember that at the outset of our hearing the chairman of the Senate Committee on Armed Services said that he regarded the position of directorship of the Central Intelligence Agency as second in importance only to that of the Presidency of the United States, it becomes important that we feel that the man who is in that position has a complete objectivity, so that he will feel that what is good for the United States is good for the interests he represents.

I need not refer to the fact that a gentleman who was Secretary of Defense a few years ago received some criticism and some opprobrium because he happened to remark that he believed that what was good for General Motors was

good for the United States. Of course, the unfortunate thing about his statement was that he did not put it the other way. I think he meant that what is good for America is good for General Motors.

I would like to have complete satisfaction in my own mind that Mr. McCone would not merely say but would feel that what is good for the United States is good for Trans-World Carriers, for San Marino Co., a Panamanian corporation, for Redwood Corp., a Panamanian corporation, for Panama-Pacific Tankers, which is a Panamanian corporation, and for all the shipping companies which are engaged in worldwide commerce.

I have no doubt that if he were asked that question he would say that he really believes that what is good for the United States is good for these companies.

However, the question which every Senator must decide for himself is whether, with this background and with this farflung empire of many shipping companies, which went to foreign countries for incorporation, the many interests which go to other countries to get ships which can fly the flags of other countries because competitive costs in the United States are too high, and possibly because at least some of the income from that shipping interest will be exempt from taxation under the laws of the United States; and after hearing and reviewing the testimony, one can escape some doubt as to whether this worldwide interest may not at some time, as we look over the whole spectrum of world affairs, influence the emphasis of the Director of Central Intelligence Agency either in the gathering of intelligence or in the recommendation for or direction of covert activities.

I have not reached a final decision as to how I shall vote tomorrow afternoon on the nomination. I voted to report the nomination from the committee. At that time I did refer to these questions which I had asked during the hearings. I said I had asked them hoping that it would be helpful in making Mr. McCone sensitive to this area of possible conflict of interest, and hoping that by asking these questions we could perhaps demonstrate his objectivity.

At the conclusion of my questioning I asked him two questions. I asked him whether he would submit a list of his stockownership, as he did in connection with the case of his confirmation for membership on the Atomic Energy Commission. I asked him also whether he would agree to set up an irrevocable trust, as he had done before his nomination for his position on the Atomic Energy Commission was confirmed.

Earlier during the questioning, in response to some questions submitted by the Senator from Massachusetts [MR. SALTONSTALL], Mr. McCone said he would have no objection to setting up an irrevocable trust if there were some reason to do so. He did not respond directly to the question when I asked it at the conclusion of my examination. He did say that he would submit the list of his holdings. He did submit that list, and I have had an opportunity to examine the

list. I am not violating any confidence with respect to the list, because by going to the printed testimony, particularly with respect to the questions which were directly asked him and to which I have already referred, one can see that all I have said about the background and origin of these corporations and of his interest in them is set forth in the hearings. The list that he filed would be merely confirmatory of what he said so far as ownership is concerned and what is in the hearings.

The list was submitted. I personally do not know whether it would do any good if an irrevocable trust were set up. I do not see that that of itself would matter particularly, because I do not anticipate that he, as the Director of CIA, would act as the procuring agent so far as these companies are concerned in any business between them and the United States.

However, it is that background, that interest, that education, that indefinable awareness of interest and knowledge of conditions in Saudi Arabia and the Middle East which raises the possibility that the disturbed conditions in the Middle East or in the Far East might seem to him to be more important than the disturbed conditions in the Gulf of Mexico or the Caribbean. Would he be more interested in maintaining stable order in Kuwait than he would be in resisting infiltration in Cuba? Would he be more interested in stabilizing Vietnam than Venezuela? I confess that I do not know.

I feel that in the Western Hemisphere, the United States has some special responsibilities. The historic position of the Monroe Doctrine has given us all these responsibilities, and we cannot escape them in this generation even if we so desired. The distinguished delegation which is now in Uruguay is seeking to meet some of the responsibilities of the United States in the Western Hemisphere. I do not see any comparable responsibility for us in some other parts of the world that I might name, although I agree we have responsibilities there.

I close these remarks by saying that I covet for the directorship of the Central Intelligence Agency a man who has the organizing ability, who has the knowledge of world affairs, who has the scientific background, and who has the calm approach to matters that Mr. McCone evidently has. I wish I could be sure. I hope something will help me by tomorrow afternoon at 2 o'clock to be sure that this man will have that objectivity in every instance to put the interests of the United States—in emphasis, in direction of activities, and in a collection of intelligence—ahead of any of this far-flung shipping empire which he has established.

Mr. BARTLETT. Mr. President, it is apparent that the Senator from South Dakota is deeply troubled by the matters which he has discussed this afternoon. For my own part, I, at least, admit an equal concern over those matters and others. As the Senator from South Dakota did, I, too, voted in committee to report the nomination of Mr. McCone.

On this day and at this hour I do not know how I shall finally vote at 2 o'clock tomorrow afternoon when the Senate will vote either to confirm or reject the nomination of Mr. McCone as Director of the Central Intelligence Agency.

I had never seen Mr. McCone until he appeared the other day before the Committee on Armed Services. Of course, on the basis of hearing a man speak for an hour or two, and trying to size him up, as it were, one is not in the best of all circumstances to make an objective evaluation. However, I came away from that meeting with the idea that he is a patriotic man and a devoted man and a man of integrity according to the best of his own lights.

However, the question that I put to myself over and over again is this: Is his conditioning, because of all his previous business history, such as to enable him to give, in the overall direction of this most important Federal Agency, the objective look which, as the Senator from South Dakota has stated, is so imperatively needed?

The Director of that Agency certainly cannot place greater emphasis upon one section of the globe than upon another. He must forget all past and previous private connections and look toward the good of the United States as a whole.

Personally, I have no doubt that Mr. McCone would do his honest best to reach that situation. My questions would only revolve around the point as to whether he could be completely objective. I certainly hope so.

I recall that in committee the other day I asked Mr. McCone about the Arabian-American Oil Co., a company formed by several large U.S. oil companies. I reported to Mr. McCone having heard, as so many of us have, that it has been said that this oil combine has in the past interfered in the foreign affairs of some Middle East nations for the benefit of the oil company.

Mr. McCone's reply was:

No, I would have no comment because I have not personally read or heard of those allegations. In my trips to the Middle East, I have observed that the Aramco people handled their relationships with the Governments of Arabia and Bahrain Island in a very satisfactory way, so reported to me. I don't know of any interference.

My query now would relate to those words used by Mr. McCone, that the Aramco Co. handled their relationships with the Governments of Arabia and Bahrain Island in a very satisfactory way. Satisfactory to whom? Satisfactory in every case to the Government of Arabia from the standpoint of its own national interest, and satisfactory to the governments of other nations with which this oil company might have conducted private negotiations? I do not assert or even allege that the Arabian-American Oil Co. ever did any such thing. But it has been so reported.

Or, to use again by way of quotation the words "very satisfactory way," was it a very satisfactory way for the oil company itself? We are not informed.

Finally, a most important question relating to all this subject, is, was that a very satisfactory way in each instance

for the Government of the United States, for the U.S. national interest?

Mr. President, I do not intend further to labor this point or this issue at this late hour. I had not intended to speak further on the subject. However, I decided to do so only during the time when the Senator from South Dakota [Mr. CASE] took the floor to express his doubts, his concern, because my feelings are so close to being identical with his and because I, too, do not know at this time how I shall finally vote.

If it should be, as it may be, as many say it probably will be, that Mr. McCone's nomination will be confirmed, I certainly would want to be in the forefront of those who wish him well in this most significant and critical assignment.

#### MILITARY RESEARCH IN ALASKA

Mr. BARTLETT. Mr. President, Alaska today is a growing center of research activity. The three military services and many other governmental and private institutions are conducting research and development programs which strengthen the Nation not only in the present but for the future.

U.S. Army, Alaska—the only Army oversea command operating entirely in a northern environment—is the spearhead for the Army's growing research program.

The Army's northern operations concept calls for employment of fully mobile, extremely powerful, streamlined task forces of battalion and brigade size. In the course of training and experimentation to improve its capabilities to form, fight, and support such forces, USARAL generates requirements for new materiel and techniques which are a primary source of guidance for Army cold weather research and development programs. The capabilities which are needed today for northern operations are applicable, in large part, to operations in such other undeveloped regions as the jungles of southeast Asia and might be required for the major battlegrounds of Europe and Asia. Thus the cold weather operations development program is, in fact, a leading edge of the Army's advance into the future.

Mobility is a first order problem of the Army today and in the north—whether North America or northern Siberia—it is a particularly urgent problem. USARAL requirements for very high mobility vehicles have led to investigation of a wide variety of commercial configurations which promise a revolutionary increase in ground mobility over snow, muskeg, and swamp. In the future, ground effect machines and such other radical concepts as the flex-wing airplane may find their first practical applications in the broad reaches of the north, where their potential for improvement of battlefield mobility can be brought quickly into practical use.

Since railroads are few in the north—as in many other parts of the world—USARAL has also formulated a concept for a tracked overland train with which a single truck crew can transport 50 tons or more of supplies across country, through swamp and snow. This vehicle will reduce greatly the requirements for

roadbuilding by Army engineers and for vehicle operating personnel.

The deep zones of permanently frozen soil which underlie hundreds of thousands of square miles of the Arctic can be tunneled like coalfields. USARAL has developed a concept for constructing storage and other administrative facilities under the surface of the ground within the permafrost. Infra-permafrost construction will be fast and cheap; it will afford good camouflage; and it will provide excellent protection from nuclear weapons and other fire effects on the future battlefield. There is a possibility that this development project will lead to methods which will allow a combat unit to dig itself under the surface of the ground in all regions of the world rapidly; obviously, this would be of the greatest value in nuclear combat.

These concepts are typical of many others in the fields of firepower, communications, combat mobility and support which are directed toward the same objective—more effective and at the same time more economical combat forces.

To meet these requirements, the Army is placing an increasing concentration of research and development effort in Alaska. During the last summer, engineering test teams were transferred from Fort Churchill, Canada, to Fort Wainwright, adjacent to Fairbanks. At Fort Wainwright, Army research activities will have available for the first time, in U.S. territory, a virtually unlimited environmental test area with long, dependable seasons of cold weather, good administrative facilities, and the opportunity for close coordination with combat forces. The Army technical services at Fort Wainwright will conduct engineering tests of new equipment and carry out basic and applied research into northern operations problems. The program for the current winter test season includes a wide range of Engineer, Signal, Ordnance, Quartermaster, Chemical, and Medical Corps research projects and equipment tests. The Transportation Corps has also established at Wainwright an activity which is performing trafficability experiments and investigations into vehicle performance problems.

The Corps of Engineers has conducted field study programs in Alaska for many years and these programs are now being increased. In the next few years Army research teams will conduct basic research throughout the State, to increase basic knowledge and to develop applications of basic scientific advances to the military art. Many of these applications will be equally important for nonmilitary activities. The use of permafrost excavations for storage of supplies is one example of the kind of research problem which is of interest to civilian as well as military activities.

An important potential for the future is the opportunity which Alaska offers for establishment of long-distance missile test ranges wholly over U.S.-owned territory.

At Fort Greely, a hundred miles southeast of Fairbanks and Fort Wainwright, the Arctic Test Board and the Chemical

Corps' Arctic Test Team test newly developed equipment from the viewpoint of using troops in cold weather. These tests are important not only for operations in Arctic and sub-Arctic areas but for operations of the Army in Temperate Zone winters. It gets as cold in the Temperate Zone as it does in the sub-Arctic—Temperate Zone cold simply does not last for quite so much of the year. For the soldier in the field, 40 below zero is just as serious a problem in Eastern Europe as in Alaska or Siberia.

The research and engineering agencies at Fort Wainwright and the user test agencies at Fort Greely coordinate their efforts closely, and in the future an increasing effort will be made to conduct the engineering tests of the research agencies and the user tests of USCONARC simultaneously. This will save money and effort and, in many cases, may help reduce development lead-time.

One of the important advantages resulting from the conduct of military research work in Alaska is the opportunity afforded research and testing personnel to work directly with operating forces. For example, during U.S. Army Alaska's winter maneuver in February 1962, a large-scale test of the new quick-serve ration will be conducted under the severest possible weather conditions by troops actually engaged in combat training. This is the only kind of test that gives the answer to the final question on any military item—Will it do the job in combat?

The Air Force and Navy are also active in Alaska research activities. The Navy operates the northernmost research facility of the United States, which is not actually in Alaska but in the Arctic Ocean off the north coast of Alaska. This is the ice island Arliss II, which was discovered by Max Brewer, director of the Navy's Arctic Research Laboratory, in May 1961, and occupied by a scientific party in the summer of 1961. Arliss II, which is about 1½ by 3½ miles in size and 80 feet thick, is relatively permanent compared with floe ice and constitutes an excellent base for conducting oceanographic and other studies.

The Arctic Research Laboratory at Barrow—the farthest northern portion of the North American Continent—is operated for the Office of Naval Research by the University of Alaska. The largest effort of the Laboratory is in oceanographic studies. Specific areas of investigation include underwater acoustics, marine biology, geology of ice islands, sea ice micrometeorology, sea ice morphology, meteorological observations, and strain measurements.

In the Fairbanks area, the Air Force since 1947 has operated the Arctic Aeromedical Laboratory. This Laboratory is the aeromedical research facility of the Alaskan Air Command and as such is charged with the solution of Arctic problems of that command. At the same time, and perhaps of more general importance, it is the only human factors laboratory of the Department of Defense located in the Arctic and concerned exclusively with problems of far northern areas. The Laboratory conducts an in-

house program of research on Arctic human factors problems. The in-house program is supplemented by contract work performed by various institutions, particularly universities, throughout the country. The Laboratory establishes Air Force requirements for clothing, individual equipment, operating procedures, and training problems for use in the Arctic. It evaluates Air Force clothing and equipment under Arctic conditions and it provides laboratory facilities, logistic support, and technical assistance to visiting research teams and field parties.

The military research and development programs are only part of the total scientific effort in Alaska. The annual proceedings of the Alaska Science Conference have covered in the past 10 years such a wide range of topics as agriculture, botany, and forestry; medicine, physiology, and public health; engineering, industrial science, and aviation; geology and geography; sociology, economics, and education; anthropology; geophysics, meteorology, and oceanography; wildlife and zoology.

The University of Alaska, in addition to operating the Navy's Arctic Research Laboratory at Barrow, has a strong program of research, particularly in the earth sciences—geology, geodesy, and similar disciplines. The Bureau of Public Health and other Federal and State agencies have made and are making major contributions to the understanding of cold weather physiology.

The importance of Alaska as a center of military and civilian scientific effort is great today and is growing steadily and rapidly. In any foreseeable future war, the north will be strategically critical, for self-evident geopolitical reasons. Of even greater ultimate importance is the fact that, as world population increases, the human need to use the lands of the north will increase. Current research and development efforts in Alaska are preparing the way for effective future peaceful use of the vast spaces and the unmeasured natural resources of the northern regions of North America and Eurasia.

#### DIRECTOR OF CENTRAL INTELLIGENCE

The Senate resumed the consideration of the nomination of John A. McCone, of California, to be Director of Central Intelligence.

Mr. CLARK. Mr. President, earlier this afternoon I spoke at some length with respect to the pending nomination and read into the RECORD a legal opinion furnished me by legislative counsel and also some quotations from the latest opinion of the Supreme Court on the conflict-of-interest question, namely, the Mississippi Valley case, involving the Dixon-Yates question, a case decided in January 1961. I was necessarily called from the floor after I completed my remarks, and the distinguished senior Senator from Missouri [Mr. SYMINGTON], made some comments in reply to my talk, to which I do not wish to advert at this time.

He did, however, place in the RECORD a memorandum on conflicts of interest, dated January 15, 1962, signed by Law-

rence E. Houston, General Counsel of the Central Intelligence Agency, and indicated that in his view this memorandum, which ends with the conclusion that no question of conflict of interest arises out of the financial holdings of Mr. McCone, was persuasive to him.

With all deference to the distinguished Senator from Missouri, this memorandum is not persuasive with me, and I urge any Senators who may think it a rod on which they can lean in dealing with the conflict-of-interest question to take a good, hard look at the opinion of the legislative counsel and at the Supreme Court's decision in the Mississippi Valley case before they make up their minds finally. I note that the Court's opinion was not even discussed in the CIA memorandum.

In my opinion—and it is only one lawyer's opinion—the memorandum of the General Counsel of the CIA is very superficial, indeed, and is not persuasive. It states, in part, that the writer of the opinion knows "of no judicial decision suggesting that the existence of ultimate official responsibility for all of the activities of a department constitutes per se the 'transaction of business' within the meaning of section 434," which is the conflict-of-interest statute.

That sentence is carefully worded, indeed, but I suggest it is disingenuous, and that a reading of the Mississippi Valley case would convince any lawyer and many laymen that very broad and rigorous standards of conflict of interest were laid down by the Supreme Court of the United States in that case. This memorandum concludes that the CIA has no business negotiations or contracts, within the meaning of section 434, with any of the companies on the list of Mr. McCone's holdings. This statement is, of course, a pure conclusion of law and depends on the writer's view of the scope and intent of the statute.

I suggest that when one attempts to make up his mind as to whether a genuine conflict of interest exists with respect to the holdings by Mr. McCone of stock in the Standard Oil Co. of California, a wiser legal guide is the Supreme Court of the United States, rather than the General Counsel of the CIA.

Mr. CASE of South Dakota. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield to my friend, the Senator from South Dakota.

Mr. CASE of South Dakota. A short time ago I read into the RECORD paragraph 434 of title 18, which is the so-called conflict-of-interest statute. As a layman, I think paragraph 434 deals explicitly with acting as a purchasing officer or procurement agent for the United States. The mere fact of holding a position would not result in a violation of the statute, unless one while in a position as an agent of the United States entered into a contract for the United States with a company in which he had a pecuniary interest, under the wording of the statute.

Mr. CLARK. I would respectfully disagree with the Senator from South Dakota; and I urge that before 2 o'clock

tomorrow he read the Mississippi Valley case. The conflict question in that case arose from the employment of a Mr. Wenzell as a special consultant for the Bureau of the Budget. At the same time Mr. Wenzell was serving as an officer and shareholder of the First Boston Corp. He participated on behalf of the United States in negotiations looking toward the formation of a Government contract in the execution of which First Boston might have been expected to participate. Mr. Wenzell had, and I quote from the U.S. brief in the case, "nothing to do with the negotiation of the formal contract," involving First Boston. Indeed his Government service ended several months before the contract was concluded.

Nevertheless, the Supreme Court of the United States held that, even though Mr. Wenzell did not participate in the negotiation of the actual contract or business transaction in question, his earlier role in events prior to the contract was a conflict under section 434 and voided the entire contract. So I suggest that a consideration of the barebones of the verbiage of section 434 does not tell us the whole story.

If the Senator from South Dakota does not find it convenient to obtain the entire opinion of the Supreme Court of the United States in the Mississippi Valley case, I refer him to the rather generous excerpts from the opinion of Chief Justice Warren in that case which I read into the RECORD earlier today and also placed in the RECORD yesterday at page 1110.

Mr. CASE of South Dakota. I shall be glad to examine that. However, it is my recollection that while Mr. Wenzell had an interest in the First Boston Corp., he also had what amounted to a contract to act as an adviser of the United States.

Mr. CLARK. Yes, but Mr. Wenzell's contract of employment with the Government, referred to by the Senator from South Dakota, was over before the contractual relationship between the First Boston Corp. and the United States of America was established. It is the latter contract which was held void by the Supreme Court because of Wenzell's earlier position.

Mr. CASE of South Dakota. There could have been a second violation; but I would not rule out the possibility that if Mr. Wenzell was employed by the United States to act as an adviser, if he advised the United States while he served in that capacity and while he also was in a position to serve his own interest, that situation might constitute a conflict of interest.

Mr. CLARK. I urge the Senator from South Dakota to read the opinion in that case. I think that with his perceptive mind he will note its implications, and I believe it will be much more persuasive than what I have stated this afternoon.

Mr. CASE of South Dakota. That may be. I merely think that regardless of whether there is or is not a legal or a statutory conflict of interest, if a man of his general education and interests and with the stake he had in such things had a blindspot or a prejudice which would

lead him to act in a certain way which would be more beneficial to the concerns in which he had a financial interest than to the interests of the United States, such a circumstance might actually involve a conflict of interest.

Mr. CLARK. Of course that concerns me, too. Although I am strongly of the view that Mr. McCone is a completely honest man, yet the conflict-of-interest problem worries me substantially.

What worries me even more is that in my opinion this particular position calls for a judicious and an objective temperament; and I believe that Mr. McCone in his activities and in his Government service thus far has shown himself to be an active protagonist of his private views. So I have grave reservations in regard to his qualifications for this particular office.

Mr. CASE of South Dakota. Mr. President, the Senator from Pennsylvania has used the word "objective." I think Mr. McCone will be both objective and judicious in his attitude.

Of course the Scriptures say that where a man's treasure is, there is his heart, also.

Mr. CLARK. The Biblical quotation which was used by the Supreme Court of the United States came from the Gospel according to St. Matthew—namely, "No man can serve two masters." That is in the Supreme Court's opinion.

#### ADJOURNMENT

Mr. CLARK. Mr. President, I move that the Senate now stand adjourned until tomorrow, at 12 o'clock noon.

The motion was agreed to; and (at 6 o'clock and 6 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, January 31, 1962, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received by the Senate, January 30, 1962:

##### MUNICIPAL COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Frank Hammett Myers, of the District of Columbia, to be judge of the municipal court of appeals for the District of Columbia for the term of 10 years, vice Leo A. Rover, deceased.

Joseph C. Waddy, of the District of Columbia, to be associate judge of the municipal court for the District of Columbia, domestic relations branch, for the term of 10 years, vice Frank Hammett Myers, elevated.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate January 30, 1962:

##### NATIONAL MEDIATION BOARD

Francis A. O'Neill, Jr., of New York, to be a member of the National Mediation Board for the term expiring February 1, 1965.

##### GOVERNOR OF CANAL ZONE

Maj. Gen. Robert John Fleming, Jr., O17095, U.S. Army, to be Governor of the Canal Zone, under the provisions of section 6, chapter 1, title 2, Canal Zone Code, to succeed Maj. Gen. William Arnold Carter, O18023, U.S. Army, on or about February 1, 1962.

##### U.S. ARMY

The following-named officer, under the provisions of title 10, United States Code,

section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

*To be general*

Lt. Gen. Paul DeWitt Adams, O17306, U.S. Army.

The following-named officers, under the provisions of title 10, United States Code, section 3066, to be assigned to positions of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

*To be lieutenant generals*

Maj. Gen. Samuel Leslie Myers, O17180, U.S. Army.

Maj. Gen. John Phillips Daley, O18358, U.S. Army.

Maj. Gen. William Wilson Quinn, O19283, U.S. Army.

The following-named person for appointment as indicated in the Army of the United States and for reappointment as colonel in the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, sections 1211, 3442, and 3447:

*To be temporary brigadier general*

Elegar, Augustus G., O18625.

The following-named officers to be placed on the retired list, in the grades indicated, under the provisions of title 10, United States Code, section 3962:

*To be general*

Gen. Bruce Cooper Clarke, O16068, Army of the United States (major general, U.S. Army).

*To be lieutenant generals*

Lt. Gen. Donald Prentice Booth, O16395, Army of the United States (major general, U.S. Army).

Lt. Gen. Emerson Leroy Cummings, O15500, Army of the United States (major general, U.S. Army).

Lt. Gen. Edward Joseph O'Neill, O15952, Army of the United States (major general, U.S. Army).

Lt. Gen. Ridgely Galther, O15970, Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in rank as follows:

*To be lieutenant general*

Maj. Gen. Carl Henry Jark, O17556, U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

*To be major generals*

Brig. Gen. Carl Darnell, Jr., O19213, U.S. Army.

Brig. Gen. Joseph Edward Bastion, Jr., O19162, U.S. Army.

Brig. Gen. Charles Frederick Leonard, Jr., O19829, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ashton Herbert Manhart, O18773, U.S. Army.

Brig. Gen. Howard William Doan, O20057, Medical Corps (colonel, Medical Corps, U.S. Army).

Brig. Gen. Claire Elwood Hutchin, Jr., O21092, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Joseph Davis, O18530, U.S. Army.

Brig. Gen. Autrey Joseph Maroun, O19865, Army of the United States (colonel, U.S. Army).

Brig. Gen. Clifton Ferdinand von Kann, O21371, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. William Winston Lapsley, O19727, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Ruhlen, O19733, Army of the United States (colonel, U.S. Army).

Brig. Gen. Herbert George Sparrow, O19003, U.S. Army.

Brig. Gen. James Richard Winn, O19491, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Salvatore D'Orsa, O18866, U.S. Army.

Brig. Gen. Thomas Bowes Evans, O19174, U.S. Army.

Brig. Gen. William Reeves Shuler, O20118, Army of the United States (colonel, U.S. Army).

Brig. Gen. Bruce Palmer, Jr., O20117, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Bradford Rosson, O23556, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Ralph Edward Haines, Jr., O19849, Army of the United States (colonel, U.S. Army).

Brig. Gen. Benjamin Franklin Taylor, O20779, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Harvey Julius Jablonsky, O19390, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Ramsey Pugh, O18790, U.S. Army.

Brig. Gen. Robert George MacDonnell, O19361, Army of the United States (colonel, U.S. Army).

Brig. Gen. Andrew Jackson Boyle, O19924, Army of the United States (colonel, U.S. Army).

Brig. Gen. Francis Mark McGoldrick, O19857, Army of the United States (colonel, U.S. Army).

Brig. Gen. Vernon Price Mock, O19906, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ellsworth Ingalls Davis, O18658, U.S. Army.

*To be brigadier generals*

Col. Ben Sternberg, O21286, Army of the United States (lieutenant colonel, U.S. Army).

Col. David Bennett Parker, O20571, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jaroslav Thayer Folda, Jr., O21193, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Raymond Peers, O21366, Army of the United States (lieutenant colonel, U.S. Army).

Col. Seth Lathrop Weld, Jr., O19772, U.S. Army.

Col. William Welby Beverly, O21107, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Alexander Osmanski, O19745, U.S. Army.

Col. Samuel Knox Eaton, O21132, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Henry Lynch, O21237, Army of the United States (lieutenant colonel, U.S. Army).

Col. John William Dobson, O21851, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Howard York, O21341, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Sylvester Collins, Jr., O21260, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carl C. Turner, O31909, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carroll Hilton Dunn, O21427, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Wayne Whitney, O31855, Army of the United States (lieutenant colonel, U.S. Army).

Col. Henry Scholdt Murphey, O19338, Medical Corps, U.S. Army.

Col. Thomas Jay Hayes 3d, O20134, U.S. Army.

Col. Robert Ray Williams, O22962, Army of the United States (lieutenant colonel, U.S. Army).

Col. Woodrow Wilson Stromberg, O20728, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank Wade Norris, O21110, Army of the United States (lieutenant colonel, U.S. Army).

Col. Kelsie Loomis Reaves, O20777, Army of the United States (lieutenant colonel, U.S. Army).

Col. William York Frentzel, O19026, U.S. Army.

Col. Andy Archer Lipscomb, O21333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Peter Stone, O21376, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Charles Fremont Tillson, 3d, O21196, Army of the United States (lieutenant colonel, U.S. Army).

Col. Clarence Earle Beck, O21239, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jefferson Johnson Irvin, O21217, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edwin Arthur Machen, Jr., O21284, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Joseph Denholm, O21293, Army of the United States (lieutenant colonel, U.S. Army).

Col. David Owen Byars, Jr., O21273, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Dixon Lawlor, O19536, U.S. Army.

Col. Lynn Davis Smith, O29741, U.S. Army.

Col. Charles Stuart O'Malley, Jr., O20682, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Milton Flinn, O21252, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Wilson Johnston, O30462, U.S. Army.

Col. Howard Edward Michelet, O21131, Army of the United States (lieutenant colonel, U.S. Army).

Col. Francis Johnstone Murdoch, Jr., O19853, U.S. Army.

Col. Robert Leaning Ashworth, O21308, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wheeler Godfrey Merriam, O30759, U.S. Army.

Col. William Thomas Ryder, O20298, U.S. Army.

Col. Ward Sanford Ryan, O21339, Army of the United States (lieutenant colonel, U.S. Army).

Col. Frank George White, O21378, Army of the United States (lieutenant colonel, U.S. Army).

Col. James William Sutherland, Jr., O24202, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Mellard Connor, O20137, U.S. Army.

Col. Harry William Osborn Kinnard, O21990, Army of the United States (lieutenant colonel, U.S. Army).

Col. William McGregor Lynn, Jr., O21120, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Gamble Schermerhorn, O20610, Army of the United States (lieutenant colonel, U.S. Army).

Col. Benjamin Otto Turnage, Jr., O20360, U.S. Army.

Col. Oscar Glenn Goodhand, O51511, U.S. Army.

Col. James Thomas McGibony, O20406, Medical Corps, U.S. Army.

#### U.S. AIR FORCE

Gen. Charles P. Cabell 70A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of general, under the provisions of section 8962, title 10, of the United States Code.

The following-named officers to be assigned to positions of importance and responsibility designated by the President in the rank indicated, under the provisions of section 8066, title 10, of the United States Code:

#### To be lieutenant generals

\*Maj. Gen. Bruce K. Holloway, 1336A, Regular Air Force.

\*Maj. Gen. James Ferguson, 1530A, Regular Air Force.

\*Maj. Gen. Harvey T. Alness, 1085A, Regular Air Force.

\*Maj. Gen. Thomas S. Moorman, Jr., 644A, Regular Air Force.

The following-named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10, of the United States Code:

#### To be major generals

Maj. Gen. John S. Hardy, 1502A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James V. Edmundson, 1863A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Benjamin O. Davis, Jr., 1206A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Albert P. Clark, 1218A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Lewis L. Mundell, 1286A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert J. Friedman, 1379A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert A. Breitweiser, 1406A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Fred M. Dean, 1450A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Waymond A. Davis, 1470A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Cecil H. Childre, 1551A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Frank E. Rouse, 1595A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Hewitt T. Wheelless, 1609A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Henry R. Sullivan, Jr., 1655A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Osmond J. Ritland, 1731A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Keith K. Compton, 1849A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Joseph R. Holzapple, 1897A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. David A. Burchinal, 1936A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. James F. Whisenand, 1945A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Glen W. Martin, 1955A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Momyer, 1964A (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. Richard L. Bohannon, 19067A (brigadier general, Regular Air Force, Medical), U.S. Air Force.

#### To be brigadier generals

Brig. Gen. Gordon H. Austin, 1207A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Frederick R. Terrell, 1221A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Frederic H. Miller, 1273A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. J. Stanley Holtoner, 1283A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard P. Klocko, 1327A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Ivan W. McElroy, 1338A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul W. Scheidecker, 1354A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William G. Hipps, 1358A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John N. Ewbank, Jr., 1381A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul T. Preuss, 1407A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William B. Keiffer, 1409A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Walter E. Arnold, 1478A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert F. Worden, 1510A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clyde Box, 1535A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert G. Ruegg, 1620A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert H. Curtin, 1643A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert B. Miller, 1646A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Robert E. Greer, 1672A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. John B. Bestic, 1682A (colonel, Regular Air Force), U.S. Air Force.

Maj. Gen. Perry M. Hoisington II, 1694A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George B. Greene, Jr., 1736A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William E. Creer, 1742A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Horace D. Aynesworth, 1771A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Philip H. Greasley, 1821A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph H. Moore, 1836A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John A. Dunning, 1855A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Melvin F. McNickle, 1891A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Gilbert L. Pritchard, 1974A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Reginald J. Clizbe, 2004A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jerry D. Page, 2052A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William E. Leonhard, 18095A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles H. Terhune, Jr., 3424A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert N. Smith, 3783A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harold E. Humfeld, 3857A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Selmon W. Wells, 3991A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William T. Seawell, 4034A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George S. Brown, 4090A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Seth J. McKee, 4279A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. John C. Meyer, 4496A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jack J. Catton, 4719A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Theodore C. Bedwell, Jr., 19101A (colonel, Regular Air Force, Medical), U.S. Air Force.

Brig. Gen. Benjamin A. Strickland, Jr., 19097A (colonel, Regular Air Force, Medical), U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 51, of the United States Code:

#### To be major generals

Brig. Gen. Don Coupland, 1766A, Regular Air Force.

Brig. Gen. George B. Dany, 1061A, Regular Air Force.

Brig. Gen. Dwight O. Monteith, 1205A, Regular Air Force.

Brig. Gen. Curtis R. Low, 1349A, Regular Air Force.

Brig. Gen. Henry G. Thorne, Jr., 1514A, Regular Air Force.

Brig. Gen. James C. McGehee, 1746A, Regular Air Force.

Brig. Gen. James E. Roberts, 1846A, Regular Air Force.

Brig. Gen. Aubrey L. Jennings, 19073A, Regular Air Force, Medical.

Brig. Gen. Frederick R. Terrell, 1221A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Richard P. Klocko, 1327A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Paul W. Scheidecker, 1354A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. William B. Kieffer, 1409A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Walter E. Arnold, 1478A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Clyde Box, 1535A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Robert G. Ruegg, 1620A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. George B. Greene, Jr., 1736A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Joseph H. Moore, 1836A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Melvin F. McNickle, 1891A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Jerry D. Page, 2052A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Charles H. Terhune, Jr., 3424A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Harold E. Humfeld, 3857A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Selmon W. Wells, 3991A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Seth J. McKee, 4279A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Lee W. Fulton, 1107A (colonel, Regular Air Force), U.S. Air Force.

Brig. Gen. Emmett B. Cassidy, 1095A (colonel, Regular Air Force), U.S. Air Force.

#### To be brigadier generals

\*Col. Godfrey T. McHugh, 1257A, Regular Air Force.

Col. Duward L. Crow, 18061A, Regular Air Force.

Col. Albert L. Pearl, AO350203, Air Force Reserve.

Col. Norman C. Spencer, Jr., 1220A, Regular Air Force.

Col. Harry E. Goldsworthy, 1631A, Regular Air Force.

Col. Joseph L. Dickman, 1656A, Regular Air Force.

Col. Lewis W. Stocking, 1709A, Regular Air Force.

Col. Charles G. Chandler, Jr., 1842A, Regular Air Force.

Col. Hubert S. Judy, 2032A, Regular Air Force.

Col. John B. McPherson, 2068A, Regular Air Force.

Col. Prentiss D. Wynne, Jr., 1699A, Regular Air Force.

Col. William D. Greenfield, 1899A, Regular Air Force.

Col. Alonzo A. Towner, 19158A, Regular Air Force, Medical.

Col. Kenneth E. Fletcher, 19136A, Regular Air Force, Medical.  
 Col. Robert W. Manss, 2713A, Regular Air Force.  
 Col. Lawrence F. Loesch, 4300A, Regular Air Force.  
 Col. Winton R. Close, 4343A, Regular Air Force.  
 Col. John D. Lavelle, 4359A, Regular Air Force.  
 Col. Donald W. Graham, 4361A, Regular Air Force.  
 Col. Otto J. Glasser, 4368A, Regular Air Force.  
 Col. Louis B. Grossmith, Jr., 4430A, Regular Air Force.  
 Col. Harry L. Evans, 4619A, Regular Air Force.  
 Col. William W. Wisman, 4990A, Regular Air Force.  
 Col. Jay T. Robbins, 5029A, Regular Air Force.  
 Col. Joseph J. Cody, Jr., 5126A, Regular Air Force.  
 Col. Gordon M. Graham, 7761A, Regular Air Force.  
 Col. William J. Crumm, 8663A, Regular Air Force.  
 Col. John W. Vogt, Jr., 8709A, Regular Air Force.  
 Col. Lucius D. Clay, Jr., 8956A, Regular Air Force.  
 Col. James H. Weiner, 33425A (lieutenant colonel, Regular Air Force), U.S. Air Force.

Col. Joseph R. DeLuca, 33749A (major, Regular Air Force), U.S. Air Force.  
 Col. Richard H. Ellis, 36867A (major, Regular Air Force), U.S. Air Force.

(NOTE.—Asterisk (\*) indicates officer was appointed during the last recess of the Senate.)

#### U.S. NAVY

The following-named officers of the Regular Navy for permanent promotion to the grade indicated:

#### LINE

##### To be rear admirals

Charles B. Brooks, Jr.	Joseph A. Jaap
William B. Sieglaff	Louis A. Bryan
Joseph W. Leverton, Jr.	Allen M. Shinn
James C. Dempsey	Alfred E. Matter
John W. Byng	Richard S. Craighill
Joseph D. Black	Daniel F. Smith, Jr.
Andrew J. Hill, Jr.	Thomas F. Connolly
Frederick J. Becton	Waldemar F. A. Wendt
Francis T. Williamson	Charles J. Palmer
Frederick J. Brush	Robert B. Fulton II
	Charles A. Curtze

#### MEDICAL CORPS

##### To be rear admiral

Harold J. Cokely

#### SUPPLY CORPS

##### To be rear admiral

Charles A. Blick      John W. Bottoms

The following-named officers of the Naval Reserve for permanent promotion to the grade indicated:

#### LINE

##### To be rear admirals

Leroy J. Alexanderson  
 Grant G. Calhoun

#### U.S. MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade indicated:

##### To be major generals

Alpha L. Bowser	James M. Masters, Sr.
Avery R. Kier	Ralph K. Rottet
Sidney S. Wade	

##### To be brigadier generals

Thomas F. Riley	William T. Fairbourn
Frederick E. Leek	Bruno A. Hochmuth
Odell M. Conoley	Roy L. Kline
Philip W. John	William R. Collins

#### IN THE ARMY

The nominations beginning Lt. Gen. Paul DeWitt Adams\* to be general, and ending Randall L. Yeagan to be second lieutenant, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 15, 1962.

\*General Adams and five other general officers also appear as confirmed under the individual U.S. Army nominations of this date.

## EXTENSIONS OF REMARKS

### New York State Benefits From Our Exports to Japan

#### EXTENSION OF REMARKS

OF

### HON. EMANUEL CELLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1962

Mr. CELLER. Mr. Speaker, many people fail to realize how much the United States, and the State of New York in particular, benefit from our exports to Japan. In the past 5 years the United States has exported more to Japan than to any other country except Canada. Our commodity exports to Japan amounted to \$1.3 billion in 1960, and \$1.7 billion in 1961. In 1960, 190,000 jobs were created for American workers by these exports to Japan, and this figure rose to 250,000 jobs last year. By 1970, it is estimated, our national exports to Japan will exceed \$3 billion. Except in 1959, the balance of our trade with Japan has been favorable to us since 1950. In 1960 our exports exceeded imports by \$200 million; in 1961, by \$600 million.

Our own State of New York, in 1960, exported commodities valued at \$78 million to Japan, with 6,800 jobs created by this trade. Our exports included: machinery, \$25 million; metal scrap, \$23 million; chemicals, \$9 million; agricultural products, \$7 million; photographic goods, \$5 million; metal products, \$5 million; copper, \$3 million; and scientific instruments, \$1 million.

If we are to have the benefits of these expanding exports to Japan, we must ever be mindful that trade is a two-way street. If Japan is to continue to take

our exports and pay for them, Japan must be able to export on her own behalf. For us to stifle imports from Japan by the erection of tariff walls would be to kill the goose that laid the golden egg. It would deprive Japan of the dollars needed to purchase American goods and would end by forcing Japan into the arms of the Soviet bloc. Japan must export in order to survive economically. If we shut out her products she must seek markets elsewhere—and today this means the markets of Red China and Red Russia.

### Resolution in Behalf of Freedom for Lithuania, Latvia, and Estonia

#### EXTENSION OF REMARKS

OF

### HON. THOMAS J. LANE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1962

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

#### RESOLUTION IN BEHALF OF FREEDOM FOR LITHUANIA, LATVIA, AND ESTONIA

Whereas the Baltic States were occupied by the armed forces of the Soviet Union; and

Whereas the people of Lithuania, Latvia, and Estonia are desperately struggling to regain their freedom and independence; and

Whereas so many countries under colonial domination have been or are being given the opportunity to establish their own independent states, the Baltic Nations having a great historical past and having enjoyed the blessings of freedom for centuries are now sub-

jugated to the most brutal colonial oppression; and

Whereas the people and Government of the United States of America have a long and established record in aiding oppressed people: Now, therefore, be it

*Resolved*, That the Senate and House of Representatives of the United States of America urge the President and the Government of the United States to take all the necessary steps to put the Baltic States problem on the agenda of the United Nations requesting that: (1) The Soviet Union withdraw all Soviet troops, agents, colonists, and controls from Lithuania, Latvia, and Estonia; (2) return all Baltic exiles from Siberia, prisons, and slave-labor camps; and be it further

*Resolved*, That the United Nations conduct free elections in Lithuania, Latvia, and Estonia under its supervision.

### County Agents, First Congressional District, Saluted by Congressman Boykin

#### EXTENSION OF REMARKS

OF

### HON. FRANK W. BOYKIN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 30, 1962

Mr. BOYKIN. Mr. Speaker, the counties in Alabama's First Congressional District—Choctaw, Clarke, Marengo, Mobile, Monroe, Washington, and Wilcox—made a magnificent contribution to the agriculture of this State last year.

The work that county agents and their assistants carried out with farmers and their families—and all others interested in promoting agriculture—was done in a splendid way.